

426082

**CARBON COPY**

ORIGINAL  
(Red)

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF MARYLAND

3  
4 UNITED STATES OF AMERICA, :

5 Plaintiff :

6 vs. : CIVIL ACTION

7 EDWARD AZRAEL, et al., : No. JH-89-2898

8 Defendants :  
9 -----

10  
11 Interview of ALFRED TYLER, II, taken on  
12 Monday, August 27, 1990, at 10:00 a.m., at the  
13 offices of Piper & Marbury, 36 South Charles  
14 Street, Baltimore, Maryland, before Monna J.  
15 McCormick, Notary Public.  
16  
17 -----

18  
19  
20 Reported by:

21 Monna J. McCormick

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NOTARY PUBLIC

8/27/90  
7371103711TA  
**GM 000259**

2  
ORIGINAL  
(100)

APPEARANCES:

Cynthia J. Morris, Esquire,

Ronald D. Byrd, Esquire,

On behalf of Defendant Baltimore  
Gas & Electric Company

William G. Beck, Esquire,

On behalf of Defendant  
Browning-Ferris, Inc.

Mark E. Grummer, Esquire,

On behalf of Defendant General  
Motors Corporation

Frank E. Couper, Esquire,

On behalf of Defendant Azrael

Samuel I. Gutter, Esquire,

On behalf of Defendant AT&T  
Technologies, Inc.

Warren K. Rich, Esquire,

On behalf of the Witness

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**GM** 000260

3 ORIGINAL  
(Red)

1 ALFRED TYLER, II,  
2 being first duly sworn to tell the truth, the  
3 whole truth, and nothing but the truth, testified  
4 as follows:

5 EXAMINATION BY MS. MORRIS:

6 Q. Mr. Tyler, we met briefly. My name is  
7 Cynthia Morris. To my left is Ron Byrd. He and I  
8 represent Baltimore Gas & Electric Company. Down  
9 to the left is Sam Gutter, and he represents  
10 Western Electric or AT&T. To his left is Mark  
11 Grummer, representing General Motors. Across the  
12 table is Bill Beck, representing BFI, and you  
13 obviously know Mr. Couper and Mr. Rich, who have  
14 come in with you.

15 What we all have in common here is that  
16 we represent clients who are defendants in a  
17 super-fund case involving the Kane and Lombard  
18 site, and we'll be talking to you about that site  
19 today, is the reason we want to have your  
20 interview.

21 The other thing we have in common is

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**GM** 000261

1 we're all interested in information you may have  
2 about the Kane and Lombard site and related  
3 landfills and dump sites in the area.

4 I want to give you a few comments about  
5 our procedure. This isn't a formal deposition.  
6 It's an interview and we appreciate you coming for  
7 an interview as opposed to making a formal  
8 deposition with a subpoena. We have a court  
9 reporter present in order to write down everything  
10 that is said. The primary reason for that,  
11 really, is to get careful notes of what you say to  
12 us so that we don't have to take notes ourselves.  
13 Also because with this many lawyers present, there  
14 is likely to be some difference in recollections  
15 as to what you may say as time passes, and a  
16 recorded transcript provides us with a clear  
17 written record of what was said and certainly more  
18 reliable than our memories and our notes.

19 We also have had you placed under  
20 oath. That's not because anybody here thinks you  
21 would be anything other than fully candid and

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**GM** 000262

truthful, but under oath makes it usable for purposes that it wouldn't otherwise be if it wasn't under oath.

That's kind of the introductory section. The way I'd like to proceed, since it's not a formal deposition, is to invite the entire group to raise questions for clarification or side issues as we go through different subject matters so we can cover things in a logical fashion. The normal procedure is for one person to ask questions and then the next person. I've already advised the court reporter and consulted with other counsel at the table that for purposes of our record, it will be adequate to have on the record when a question is asked and there is no need to indicate who is asking each question. If anybody has a question that they want particularly attributed to them for any reason, be sure to mention that this is so and so speaking. Otherwise the record will show the questions being asked and the answers given by Mr. Tyler. Is that

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**GM** 000263

1     okay with all?

2                     I think we ought to start with some  
3     background information. I'm interested in your  
4     full name and address.

5                     MR. RICH: I thought that the purpose  
6     of this interview was to accumulate information  
7     over and above that information which we had  
8     already given you.

9                     MS. MORRIS: I think that is a fair  
10    statement. We're interested in what we can find  
11    from Mr. Tyler about the use of this landfill,  
12    related landfills, customers and waste products.

13                    MR. RICH: Mr. Couper has given you  
14    notes from a notice of EPA, is that correct?

15                    MR. COUPER: Yes.

16                    MS. MORRIS: That's correct.

17                    Q.     Your name and address, please?

18                    A.     Alfred Tyler, II, 12601 Long Green  
19    Pike, Glen Arm, 21057.

20                    Q.     Are you currently employed?

21                    A.     Yes.

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SALES - 9A

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**GM** 000264

1 Q. Where?

2 A. With Enviro-Gro Technologies in  
3 Baltimore.

4 Q. What is your position with Enviro-Gro?

5 A. Chief executive officer.

6 Q. What kind of business is that?

7 A. It's sludge business, handles sewage  
8 sludge and landfills also.

9 Q. How long have you been doing that with  
10 Enviro-Gro?

11 A. Since 1982.

12 Q. Prior to 1982, what was your  
13 employment?

14 A. Well, I had a company called LRI or  
15 Land Reclamation, Inc., which was involved in the  
16 disposition of sewage sludge. I had another  
17 company called Modern Trash Removal for about two  
18 years and then prior to that, essentially I was  
19 with Browning-Ferris.

20 Q. Enviro-Gro, are you the owner of that  
21 company?

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**GM** 000265

1 A. No. It's now owned by a company called  
2 JWP, Inc. Wholly owned by JWP, Inc.

3 Actually, Enviro-Gro is a partnership  
4 of two companies which are both owned by JWP, Inc.

5 Q. What is the name of the company?

6 A. JWP Reclamation Company.

7 Q. Is Enviro-Gro itself incorporated?

8 A. No, it's a partnership.

9 Q. Do you own stock in JWP, Inc.?

10 A. Yes, I do.

11 MR. RICH: Can we move on to the  
12 subject matter? I don't mean to be objectionable,  
13 but I don't find this relevant.

14 MS. MORRIS: I'm trying to find out who  
15 he is now.

16 MR. RICH: I'd appreciate it if you  
17 would move on.

18 Q. Let's go prior to Enviro-Gro. You  
19 mentioned LRI and Modern, Inc., were those  
20 companies that you owned?

21 A. Yes.

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SAL. 88  
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**GM**

000266



1 Q. Were either or both of them  
2 incorporated?

3 MR. RICH: You don't have to -- I'll  
4 give you all this information. I want -- if you  
5 don't mind, I'd prefer that you go to the issues.

6 MS. MORRIS: Is there some particular  
7 issue that you'd like me to ask about first?

8 MR. RICH: Yes, I'm under obligation  
9 and I don't want to delay this.

10 MS. MORRIS: Is there some issue you'd  
11 like to get to right away?

12 MR. RICH: No, get to what you  
13 indicated you want to get to.

14 MS. MORRIS: I thought I was doing  
15 that. Does anybody need anything particular?

16 MR. RICH: What he owns now is really  
17 not relevant.

18 MR. GRUMMER: What kind of time  
19 constraints are we operating under?

20 MR. RICH: An hour.

21 MR. GRUMMER: We only have an hour this

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**GM** 000267

1 morning?

2 MR. RICH: I'm supposed to be with  
3 Judge Kaplan in Circuit Court for Baltimore City  
4 right now and I've delayed it an hour.

5 MR. GRUMMER: Will Mr. Tyler be able to  
6 stay with us longer than that?

7 MR. RICH: I don't know. Let's see how  
8 much you get. That's why I said, let's move on.

9 MS. MORRIS: I thought, my  
10 understanding was that we would have at least  
11 through today. But we'll see how much we --

12 MR. RICH: Through the day, for what?

13 THE WITNESS: I didn't plan for --

14 MS. MORRIS: Let's start and see how  
15 much we can get in your time constraints.

16 Q. Are you familiar with the Kane and  
17 Lombard site?

18 A. Yes.

19 Q. You know where it's located?

20 A. Yes.

21 Q. Is that the same site in your

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**GM000268**

1 understanding known as the Sauer Dump?

2 A. Essentially.

3 Q. When did you first become familiar with  
4 the dump site?

5 A. Probably back in the '60s, middle '60s.

6 Q. How did you become familiar with it?

7 A. I was in the trash business with my  
8 father from '65 to '70. And the Sauer Dump had  
9 been there.

10 Q. Was it something that you used in your  
11 business with your dad?

12 A. We didn't use it very often at all  
13 because we had our own landfills.

14 Q. Let's go back and talk about that.  
15 What landfills did you and your father have?

16 A. Let me put it this way, me and my  
17 father did not have any landfills. There was some  
18 companies that owned some landfills and rights to  
19 certain landfills.

20 Q. What companies?

21 A. Rob Tyler, Incorporated, Refuse

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AN IRVING-CLOUD COMPANY

**GM** 000269

1 Disposal, Incorporated, and Waste Disposal,  
2 Incorporated was involved also.

3 Q. These are three separate companies?

4 A. Three separate companies.

5 Q. You and your father owned these  
6 companies?

7 A. No.

8 Q. What was the nature of your  
9 relationship with these companies?

10 A. I was an employee.

11 Q. What was your job?

12 A. Just about everything. I ran the shop  
13 and, you know, general management.

14 Q. Were all three of these companies waste  
15 disposal companies?

16 A. Yes.

17 Q. Was there any difference in what they  
18 did or the geographic --

19 A. Rob Tyler, Inc. was basically a hauling  
20 company; Refuse Disposal, Inc. and Waste Disposal,  
21 Inc. were disposal companies, landfill.

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**GM** 000270

PT 1 was  
hauled  
after 2100  
make 2155  
knowing

1 Q. So the landfills that you earlier  
2 indicated you owned, it was these two companies  
3 that owned the landfills?

4 A. Yes.

5 Q. What landfills were owned by these  
6 companies?

7 A. There was one around 68th Street and  
8 Pulaski Highway.

9 Q. Is that one that would be known as  
10 Rosedale?

11 A. Yes.

12 Q. What names was that commonly referred  
13 to by?

14 A. Just Rosedale or 66th Street.

15 Q. Pulaski Highway?

16 A. Pulaski Highway.

17 Q. Were there other landfills that the  
18 companies owned?

19 A. Later there was Norris Farm.

20 Q. Where was that?

21 A. On North Point Boulevard. There was

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**GM** 000271

Pulaski =  
Rooftop =  
Cgr =  
Norris Farms  
Came later

1 one on Patapsco Avenue. I think it was leased.

2 Q. Leased by the company?

3 A. Yes, we might have owned some property  
4 in there. I can't remember.

5 Q. Is the Patapsco Avenue landfill known  
6 by any other names?

7 A. Reedbird.

8 Q. Any other landfills that the companies  
9 owned or leased?

10 A. That pretty much covers it.

11 Q. Was Reedbird owned by Waste Disposal,  
12 Inc. not Refuse?

13 A. It was operated by -- I'm not sure -- I  
14 can't remember if there was any ownership there or  
15 not.

16 Q. The other two, were they Refuse  
17 Disposal, Inc. as opposed to Waste Disposal, Inc.?

18 A. Yes, I think so.

19 Q. Your recollection is that they were  
20 owned rather than just operated?

21 A. Partly owned and partly operated.

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 **Salomon**

**GM**00272



Reading  
= Paraphrase  
the  
Lecture

1 Q. Can you recall the date that these  
2 landfills became operational and the date they  
3 closed?

4 A. No, I think I was in school.

5 Q. When did you first start working with  
6 the company?

7 A. As I said, in about 1965.

8 Q. And all three of these landfills were  
9 owned by the companies then?

10 A. Or operated by them, yes, not Norris  
11 Farm.

12 Q. Not Norris Farms. Just 68th and  
13 Pulaski and the Patapsco Avenue?

14 A. Yes.

15 Q. Do you recall when Norris Farms began  
16 operating?

17 A. It was around '69 or '70, but I think  
18 we first started trying to get it open in about  
19 1967 or '68.

20 Q. Now, you had mentioned earlier I think  
21 that you occasionally became familiar with the

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**GM** 000273

Stable  
1271  
165

None  
Farm  
149 1/2 70

ORIGINAL  
(187)  
187

1 Kane and Lombard Street dump even though you  
2 normally used the company's own dumps. For what  
3 reason would you be using the Kane and Lombard  
4 Street site?

5 A. Maybe just for expediency. The Sauers  
6 subcontracted, they had a couple trucks and they  
7 subcontracted some stops from Rob Tyler, Inc. and  
8 maybe sometimes they would dump their loads there  
9 instead of coming over to one of the company-  
10 controlled landfills.

11 Q. You mean the subcontract drivers would?

12 A. Yes, United, I don't really recall to  
13 what degree, if any, I mean, these are sort of  
14 assumptions because I know it was fairly loose.  
15 It didn't seem to make any difference to them.

16 Q. Between the two landfills, you mean?

17 A. Yes.

18 Q. When you say it didn't make any  
19 difference to them, do you mean it didn't make any  
20 difference to the truck drivers or to --

21 A. Or to the Sauers or whoever, the

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**GM** 000274

Used Save  
"for emergency"

1 subcontractors. There was a -- dumping costs in  
2 those days were not what we know today.

3 Q. Do you remember what the costs were for  
4 dumping, if any?

5 A. If I remember right, when Norris Farm  
6 was sold to Browning-Ferris I think we were  
7 getting \$3 a ton.

8 Q. You are right, they are not what they  
9 are today.

10 A. That was in 1970.

11 Q. Were these sites then used  
12 interchangeably or what would be the basis? Is it  
13 like whichever was closest?

14 A. I wouldn't want to say because I don't  
15 really recall any particular arrangement or  
16 anything else.

17 Q. Did you ever do any driving yourself  
18 with the company?

19 A. On occasion.

20 Q. Did you ever --

21 A. During strikes.

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AN IRVING-CLOUD COMPANY

**GM 000275**

1 Q. When management has to do the work?

2 A. Right.

3 Q. When you were driving, did you ever  
4 take dump loads to the Sauer Dump?

5 A. No.

6 Q. Are you aware of any arrangements  
7 between your father or any of the three companies  
8 and the Sauers with respect to use of each other's  
9 dumps?

10 A. I think it was fairly loose. I think  
11 it was, neither one charged the other one.

12 Q. Was it your understanding that neither  
13 one minded if the other one used their dump?

14 A. Right.

15 Q. Do you remember when the Rosedale dump  
16 closed?

17 A. I haven't looked it up, but it was  
18 sometime prior to the opening of Norris Farm.

19 Q. Do you remember why it closed?

20 A. Basically it was full.

21 Q. You said you haven't looked it up; do

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**GM000276**

Drive  
for RTI  
occasionally.  
Driving habits  
But when to  
Saves.

Look away  
must know RTI  
#Saves. Now  
changed for other.



1 you have some records somewhere that would refresh  
2 your recollection?

3 A. No, I don't. I'm sure there might be  
4 some newspaper articles somewhere.

5 Q. Did you have a chance to review  
6 newspaper articles that were sent to Mr. Couper?

7 A. I looked at a few of them and the dates  
8 were somewhere in the '68, '69 period.

9 Q. Is that consistent with your  
10 recollection?

11 A. Yes.

12 Q. Do you remember a period of time after  
13 the Rosedale dump was closed before the Norris  
14 Farm landfill opened?

15 A. Yes.

16 Q. Would that have been around the '68-'69  
17 period?

18 A. Somewhere in that period.

19 Q. Do you have a recollection of about how  
20 long that period was, whether we are talking days,  
21 weeks, months?

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**GM** 000277

1 A. I recall it being several months.

2 Q. Several months?

3 A. Yes, there was some intermittent  
4 start-up at Norris Farm and then a judge shut it  
5 back down.

6 Q. Was the Patapsco Avenue landfill still  
7 operating during that period?

8 A. I think so.

9 Q. Do you know where the Rob Tyler  
10 companies, their drivers were taking the waste  
11 during that period that Rosedale was closed and  
12 Norris Farms wasn't yet opening?

13 A. They would either be going to Patapsco  
14 Avenue or we dumped, I know, at the Sauer Dump for  
15 about two or three months.

16 Q. Were there any other landfill dumps  
17 besides the Sauer Dump and Patapsco?

18 A. County landfills.

19 Q. Did they use county landfills to the  
20 best of your knowledge?

21 A. Whenever we could.

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AN IRVING-CLOUD COMPANY

**GM 000278**

Duty 3  
NLS, RT)  
drivers ~~multi~~  
used drivers.

1 Q. Could the industrial waste go to the  
2 county landfill or only residential?

3 A. We didn't do any residential.

4 Q. All of your waste was industrial?

5 A. Industrial, commercial, as I say,  
6 apartment houses would be considered commercial.

7 Q. During this period, what would  
8 determine which one of the other landfills the  
9 driver would take the waste to? Was it purely a  
10 function of geography?

11 A. Basically geography.

12 Q. They would take it to whichever was  
13 closest?

14 A. (Nodding head indicating yes.)

15 Q. Do you know if there was any special  
16 arrangement between the Rob Tyler companies or the  
17 drivers and Fred Sauer during that period when a  
18 lot more of the Rob Tyler drivers were bringing  
19 waste to his landfill?

20 A. I think we loaned him a dozer.

21 Q. You loaned Sauer a dozer?

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~~NOT RECORDED~~

**GM 000279**

Waste  
would  
where to  
closest IP  
was.

1 A. Yes.

2 Q. What was that for?

3 A. To help run the landfill.

4 Q. Were there any other accommodations  
5 made during the period?

6 A. Just that -- I don't think there was  
7 any charge from Sauer for that, other than that he  
8 would be able to use Norris Farm.

9 Q. Tit for tat?

10 A. Yes. We had a similar arrangement with  
11 Baltimore County at one point also. We just  
12 traded tonnage.

13 Q. With the Baltimore County landfill?

14 A. Yes, that was a little later, I think,  
15 but it was still the same basic idea.

16 Q. Who was running the Sauer Dump at that  
17 period, do you recall?

18 A. I guess Fred Sauer.

19 Q. The Junior or --

20 A. I only know him as Fred Sauer.

21 Q. Do you remember, how old a man was he?

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**GM** 000280

Loaned  
Saver a  
dinner during 3  
was paid

1           A.       He looked a lot older than he was. But  
2 he was probably Warren's age at that time. I have  
3 no idea.

4           Q.       Is this the gentleman who died a few  
5 months ago, do you know?

6           A.       I didn't -- Fritz died?

7           Q.       Did you know him as Fritz?

8           A.       Yes, I think. He did?

9           Q.       The day the State of Maryland served  
10 him with a complaint.

11                   Did you know Fritz during that period?  
12 Did you have a personal relationship with him?

13           A.       More business.

14           Q.       And was the business relationship  
15 because of the two landfills?

16           A.       Yes.

17           Q.       Were you involved in any conversations  
18 with respect to arrangements with the tit for tat  
19 deal or was that handled by other people in the  
20 Rob Tyler's companies?

21           A.       To tell you the truth, I don't really

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AN IRVING-CLOUD COMPANY

**GM 000281**



1 remember. I don't remember it being a big deal.  
2 So maybe I wasn't involved.

3 Q. Do you know if there are any records at  
4 all in your possession or available to you from  
5 this period?

6 A. None.

7 Q. As manager of the companies, were you  
8 responsible for obtaining business or making the  
9 decisions on --

10 A. You know, as manager, I'm not -- I  
11 don't think I said I was manager.

12 Q. I might have misunderstood. Maybe you  
13 should tell me more what you were doing.

14 A. I was working for my father, working  
15 with my father. So we interchanged some.  
16 Maintenance was more of where I spent my time in  
17 the early '60s or in the late '60s.

18 Q. Maintenance like on the trucks and  
19 things?

20 A. Yes.

21 Q. In the later '60s, did you get more

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SINCE 1906

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NOT RECORDED

**GM** 000282

1 involved in the front office or management end?

2 A. A little bit, but still more in the  
3 maintenance, you know, if he wasn't there, then  
4 obviously people would come to me, but it was his  
5 company and when he was there, he would run it.

6 MS. MORRIS: I was going to go on and  
7 talk about customers, if anybody else wants some  
8 more questions on the landfills, opening dates.

9 MR. GRUMMER: There's more things I'd  
10 like to ask.

11 MS. MORRIS: Get that out before we  
12 change subjects.

13 Q. There was an arrangement or  
14 understanding between your company and Sauer's  
15 about using the Sauer landfill during that period  
16 of several months?

17 A. Yes.

18 Q. So you and your father knew that they  
19 were using it, I take it, that the drivers were  
20 going to Sauer's?

21 A. Sure.

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NOT A SALOMON REPORT

**GM 000283**

PT1  
Know it  
Saves time  
Saves money  
Saves space  
Saves time

1 Q. Did you personally ever discuss that  
2 with Fred Sauer?

3 A. I'm sure I did. I can't say  
4 specifically, yes or no.

5 Q. You said that Sauer didn't get paid for  
6 the use of his landfill?

7 A. To my knowledge, we did not -- he did  
8 not charge and we didn't pay. Now, there might  
9 have been some, but that's the way I recall it.

10 Q. But it was your impression that there  
11 was an understanding that on his part, that he  
12 would be able to use Norris Farm landfill later?

13 A. Yes, which he did.

14 Q. He did do that?

15 A. Yes.

16 Q. Do you know if at that time he was  
17 expecting to close soon?

18 A. I think that was probably part of it.  
19 I think he was under some pressures from the  
20 landowners.

21 Q. So it was possible for him to look down

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**W. F. FLETCHER**

**GM** 000284

1 the road a year or two and see that he would have  
2 to close?

3 A. Yes.

4 Q. And then he would need a place to take  
5 his waste?

6 A. He didn't have a whole lot. He was  
7 only, I think, running maybe two or three trucks  
8 and I think two of those were on some contract to  
9 us anyway.

10 Q. But he would have to take them  
11 somewhere and you understand he would be able to  
12 take them to the Norris Farm landfill?

13 A. (Nodding head indicating yes.)

14 Q. He's indicating correct. If you could  
15 say yes or no, that would make the transcript a  
16 little bit cleaner.

17 A. Yes.

18 Q. You said two or three of his trucks  
19 were on subcontract to you, you mean to the Rob  
20 Tyler companies?

21 A. They were in the kind of trucks that

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OFFICIAL REPORTER SERVICE

**GM** 000285

2-3  
Savers truck  
was on E to  
RT/.

1 could pick up his containers or our containers.  
2 So they would fill in when our trucks were busy.

3 Q. If one of these Sauer trucks went out  
4 to pick up a container from a Rob Tyler customer,  
5 how would the money be handled? Did Sauer get the  
6 money or did Rob Tyler?

7 A. It would be billed by Rob Tyler.

8 Q. Would Sauer get any money for that?

9 A. He would then be paid a hauling fee.

10 Q. Was that a regular thing that went on  
11 even before this period?

12 A. I think so, yes; I can't remember when  
13 they got the kind of rigs that would handle the  
14 containers that Rob Tyler, Inc., used. So I know  
15 they had one rig that would handle one kind of  
16 container and then later they got another rig and  
17 I don't remember when that was.

18 Q. Do you know if it worked the other way,  
19 that Rob Tyler drivers would pick up from Sauer  
20 customers and take to their dump, or was it always  
21 the other way?

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GM 000286

7  
1 A. It was always the other way.

2 Q. Sauer would be helping out Rob Tyler  
3 and bringing it to his dump?

4 A. Yes.

5 Q. Did money flow any differently, let's  
6 think of a situation where a Fred Sauer's driver  
7 was picking up for one of your customers, did  
8 anything different happen in terms of money if  
9 they took that load to the Sauer Dump than if they  
10 took it to your dump?

11 A. To my recollection, no, but I can't  
12 guarantee you that at all. I just don't remember.

13 Q. In other words, the hauling fee that  
14 Sauer would be entitled to from picking up from a  
15 Rob Tyler customer would be the same as if he was  
16 taking it to his own customers or --

17 A. I think so, but I can't remember.

18 Q. Did you get a chance -- did you tell us  
19 to what extent you looked over other newspaper  
20 articles?

21 A. I just perused them. I didn't reread

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SINCE 1962

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**GM** 000287



1       them all.

2               Q.       When you did that, did they appear to  
3       be accurate according to your recollection?

4               A.       I guess. I remember seeing them back  
5       in the paper back then, yes. The dates didn't  
6       seem exactly right to me, but I guess they are  
7       right and they are wrong in my recollection.

8               Q.       How was your recollection different?  
9       Did it seem earlier or later?

10              A.       It seemed to me it was a little  
11       earlier. The whole Norris Farm effort had come  
12       together, I thought, a little earlier than what it  
13       said there.

14              Q.       In terms of months, like you would  
15       think a few months?

16              A.       Months, yes, maybe almost a year.

17              Q.       But I take it you definitely do recall  
18       a time when the Pulaski Highway landfill had  
19       closed, Norris Farms had not yet opened, and you  
20       could not take waste to either one of them?

21              A.       Yes.

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**GM** 000288

1 Q. In your recollection, it does seem that  
2 that was a period of several months?

3 A. Yes.

4 Q. Do you recall who your customers were,  
5 the various company customers during that period?

6 A. I, you know, if you ask me, I'll tell  
7 you whether I remember them or not, but to sit  
8 here and give you the list, no, I don't think I  
9 better do that.

10 Q. Could we ask it this way: Would it  
11 be -- a little bit earlier you said that during  
12 that period, the landfill drivers went to  
13 landfills depending on geography and expediency.  
14 The Sauer landfill was closest to the Pulaski  
15 Highway landfill, was it not, of the various  
16 landfills that your companies used?

17 A. Yes.

18 Q. Would that mean that most of the waste  
19 that ordinarily went to the Pulaski Highway  
20 landfill would go to Sauer's during that period of  
21 several months?

*68th Clients  
went to  
Sauer when  
68th Closed*

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AN IRVING-CLOUD COMPANY

**GM** 000289

1 A. I guess you would make that assumption.

2 Q. Does that seem accurate to you?

3 A. It seems logical to me.

4 Q. It does seem logical?

5 A. Of course, the garbage business wasn't  
6 always logical.

7 Q. Was there anybody's waste that you  
8 could say specifically was sent over to Sauer  
9 specifically?

10 A. I would say, the accounts in East  
11 Baltimore, but you are talking 20 years ago.

12 Q. Is there any way that you can go beyond  
13 assumption and take us all the way up to memory?

14 A. Any of the industrial accounts in East  
15 Baltimore. If you want to ask me which ones, go  
16 ahead and I'll see if I can tell you.

17 Q. Before getting to that, could I ask  
18 something about the overall breakdown between the  
19 landfills? If you thought of your companies, if  
20 you thought of their business being, the total of  
21 it being 1 hundred percent, could you give me any

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*Salomon*

**GM** 000290

The E.  
Baltimore account  
would have gone to  
Savery during the  
3 mos.

1 figure or approximate guess as to what percentage  
2 of it was going to the Pulaski Highway landfill  
3 before it closed?

4 A. As opposed to Reedbird?

5 Q. As opposed to Reedbird or someplace  
6 like that.

7 A. No.

8 Q. Would it be more than half or less than  
9 half?

10 A. I wouldn't want to hazard a guess  
11 because things would change. Sometimes material  
12 that would ordinarily go to Rosedale or Pulaski  
13 Highway would have to be shipped across town if  
14 there was operating plans on the landfill. There  
15 was also a lot of outside business that skewed the  
16 numbers at least in my mind.

17 Q. I was going to ask you about that.  
18 Were Reedbird or Patapsco on the one hand and the  
19 Pulaski Highway landfill on the other hand about  
20 the same in terms of the amount of waste that went  
21 to them?

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~~NOT A SERVICE~~

**GM000291**

1 A. I don't remember.

2 Q. Thinking just about the Pulaski --

3 A. I think Reedbird was probably getting  
4 some more because it was getting more outside as  
5 well as our own.

6 Q. Of your own customers, you don't have  
7 any sense as to whether one was being --

8 A. I don't really remember.

9 Q. When Norris Farms opened, did the  
10 customers, did the waste that ordinarily, that had  
11 previously gone to Pulaski Highway then go to  
12 Norris Farms?

13 A. It would have, yes.

14 Q. During the years Norris Farms was open,  
15 do you have any recollection during those years  
16 whether it was used about as much for your  
17 customers as Reedbird?

18 A. Well, Reedbird closed somewhere in that  
19 same period. And another one was opened on  
20 Quarantine Road.

21 Q. Did the customers that used Reedbird

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SINCE 1964

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**GM** 000292

1 then go to Quarantine Road, pretty much?

2 A. I would say, yes. There was also a  
3 county landfill that was in, taking more  
4 commercial. So that was being utilized also.

5 Q. Do you remember if Norris Farms opened  
6 before Reedbird closed or were they around the  
7 same time?

8 A. I think Reedbird was still open, but  
9 for the life of me I can't guarantee because I  
10 can't remember exactly when we started Quarantine  
11 Road, either. That was right about that time, I  
12 remember that one.

13 MR. RICH: I think Reedbird was open.

14 THE WITNESS: I think Reedbird was  
15 open. But you remember Quarantine Road?

16 MR. RICH: Yes.

17 THE WITNESS: He was with the State at  
18 that time.

19 Q. Let me ask the question you were  
20 starting to answer of the waste that was coming  
21 into Pulaski Highway, do you have any sense of

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**GM** 000293

1 what share of those wastes were from your own  
2 customers?

3 A. I really don't.

4 Q. Any sense of whether it was more or  
5 less than half?

6 A. I would assume that it was more, but I  
7 can't guarantee that.

8 Q. I understand. We don't have any  
9 information and anything you can tell us is better  
10 than what we know at the moment. If your own  
11 customers contributed some share, what were the  
12 other sources?

13 A. Other haulers.

14 Q. Other haulers. Were Bohager and Modern  
15 two of the haulers that brought waste there?

16 A. Yes.

17 Q. Do you have any sense of what --

18 A. Herbert Robertson was another one.

19 Q. Is that Robertson?

20 A. (Nodding head indicating yes.)

21 Q. Bohager, for instance, how did the

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**GM 000294**



1 amount they brought compare to your own  
2 customers? Was it less?

3 A. I'm sure it was less because they were  
4 a smaller company, but I can't give you any  
5 ratios.

6 Q. Do you remember the nature of their  
7 waste as compared to your own, your own customers?

8 A. No. I mean, essentially, there wasn't  
9 a lot of new industry coming into Baltimore. And  
10 so most of the customers were interchanged between  
11 the hauling companies on a bid basis.

12 Q. So Bohager's wastes were industrial/  
13 commercial as were your own customers?

14 A. Right.

15 Q. During the period between the closing  
16 of Pulaski Highway and the opening of Norris  
17 Farms, where did the waste from those other  
18 companies go that had previously gone to Pulaski  
19 Highway, the other haulers?

20 A. You will have to ask them.

21 Q. Do you know if it went to Sauer's?

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**J M 000295**

1 A. I just don't recall.

2 Q. Do you recall hearing from drivers or  
3 anybody?

4 A. No.

5 Q. Is it an equally logical assumption  
6 that the waste from those haulers must have gotten  
7 diverted over to Sauer's during the couple or  
8 three months since that would have been the  
9 available landfill on that side of the city?

10 A. I hate to say. I just don't recall.

11 Q. Did you ever go to the Sauer Dump  
12 yourself during that period?

13 A. Yes, I did.

14 Q. Can you describe for us what it looked  
15 like, particularly where things were dumped in  
16 proximity to the roads?

17 A. No. It went through a junkyard off of  
18 Kane Street.

19 Q. It went off of Kane?

20 A. Yes.

21 Q. Was the dump on the left or right?

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**Salomon**

**GM 000296**

1           A.       I don't know. The road went back, and  
2 I'm trying to figure that in my mind, but the  
3 topography has changed a lot. And I don't really  
4 recall, because a lot of that whole area was then  
5 redug up and a lot of the old dump was dug up and  
6 moved on to the 95, around the 95 overpasses along  
7 with the relocation of the old Collgate landfill  
8 when 95 was put through there. And when 95 came  
9 in, I, you know, I just don't know.

10          Q.       How are you remembering this? Did you  
11 watch the construction on 95?

12          A.       Yes. That, and I remember one of the  
13 construction companies that had the job talking  
14 about having to relocate the old landfill.

15          Q.       No kidding, who was that construction  
16 company?

17          A.       I think it was Langenfelder.

18          Q.       What's the Collgate dump you mentioned,  
19 was that in the same general vicinity?

20          A.       It was right off of Pulaski Highway.  
21 It was Sejack's.

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**GM** 000297

Types  
reminders  
a way to  
have to  
relocate  
portion of the  
landmark.

1 Q. That's the Collgate pay dump?

2 A. Yes.

3 Q. Who at Langenfelder would you have  
4 known, do you remember?

5 A. I don't remember. This is a long, long  
6 time ago.

7 Q. What did they --

8 A. Actually it might have been Gene  
9 Helms. That's safe. He's dead.

10 Q. What did they dig up and where did they  
11 take it?

12 A. It was just part of the federal road  
13 contracts. I guess they moved it over on the  
14 other side of Moore's Run.

15 Q. What is Moore's Run?

16 A. Moore's Run is Moore's Run.

17 Q. Is that a street name or piece of  
18 water?

19 A. No, it's a little stream.

20 Q. Out here near the Kane and Lombard  
21 area?

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**GM** 000298

1           A.     No, it's over a little bit towards the  
2     Pulaski incinerator.

3           Q.     Was anything moved on to the Sauer's  
4     dump area?

5           A.     I think everything was moved off. You  
6     could probably check that out through State Roads  
7     or whatever.

8           Q.     Are you saying some part of 95 ran  
9     through Sauer's Dump?

10          A.     Over the corner of the property.

11          Q.     It would be the --

12          A.     Over North Point Road.

13          Q.     The east side?

14          A.     Yes.

15          Q.     Would it be down where the entrance to  
16     the junkyard was?

17          A.     Yes, over in that area.

18          Q.     Do you remember about when that  
19     happened? I know there's records from the highway  
20     department, but I'm just trying to --

21          A.     No.

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**GM000299**

1 Q. Do you remember the construction of  
2 Lombard Street, when that went up through there?

3 A. Not until all this surfaced later  
4 because I spent a lot of time over there.

5 Q. Do you know where they took portions of  
6 Sauer's Dump that they removed for the highway,  
7 where they took that?

8 A. No.

9 Q. Where they moved it to?

10 A. (Shaking head indicating no.) Not for  
11 Lombard Street, no. I remember the 95 issue  
12 because of talking to one of the contractors.

13 Q. That's what I meant, for 95?

14 A. For -- wait a minute. There's two  
15 roads.

16 Q. Right, Lombard and 95.

17 A. Right.

18 Q. You answered me with a response that  
19 would be for Lombard Street, but for 95, do you  
20 know where they took, whatever they dug up to move  
21 to build 95?

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**GM** 000300

1           A.       Incinerator went over Moore's Run onto  
2       the State Roads' property there. It might be part  
3       of the old Collgate pay dump. They piled it up.  
4       As you drive by you can see it.

5           Q.       It's still there?

6           A.       No, there's big mounds in the  
7       interchange.

8           Q.       Those mounds are really Sauer Dump  
9       mounds?

10          A.       Some could be Sauer's. Some could be  
11       the old Collgate pay dump.

12          Q.       Why did that subject come up? Was  
13       there something unusual about the problems they  
14       encountered in moving that stuff?

15          A.       I don't know. I just remember talking  
16       to him about it.

17          Q.       Was there any talk about any drums that  
18       had to be moved out?

19          A.       Not that I remember.

20          Q.       When do you recall Sauer's stopping  
21       operating in his dump?

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**GM** 000301



1 A. About the time Norris Farm opened.

2 Q. Did he basically stop operating there  
3 because he was then able to take his waste to  
4 Norris Farms?

5 A. You would have to ask him, but I --

6 Q. That would be hard.

7 A. I don't remember the time frame.

8 Q. Was it your impression of once the  
9 Norris Farms opened that he gradually shifted his  
10 operation over there?

11 A. Yes, maybe within a year maybe or  
12 within a day. I don't remember, it wasn't  
13 important.

14 Q. Had you been out there to the Sauer  
15 Dump before the Pulaski site closed?

16 A. I might have stopped over there, but --

17 Q. I am wondering whether you have any  
18 recollection now of a difference in the volume of  
19 waste coming in there or being there before  
20 Pulaski closed and after --

21 A. There was a lot more after.

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ESTABLISHED 1964

**GM** 000302

Saver's D.  
stopped operating  
around the time  
Nono Farms opened

1 Q. I mean, would it have been a noticeable  
2 difference?

3 A. Certainly, because I know all of our  
4 trucks or a lot of them would have been going in  
5 there.

6 Q. Do you have any rough idea of how many  
7 trucks that would have been per day?

8 A. I really don't. I would hate to say.

9 Q. Do you know how many trucks you owned  
10 at that time, the companies owned?

11 A. I don't know. 50. I don't know. I've  
12 been through a lot of different companies and so I  
13 really don't recall what the number was.

14 Q. From what we said before, I take it it  
15 could have been the entire volume of what  
16 otherwise went into the Pulaski Highway dump, does  
17 that sound correct?

18 A. That's possible, yes.

19 Q. Some of the drivers we have talked to  
20 indicated that in fact everything shifted over  
21 from the Pulaski Highway dump to the Sauer Dump.

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SINCE 1966  
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**NOTES**

**GM**

000303

1 Do you have any reason to think otherwise?

2 A. No. If they took them in there, then  
3 they should know.

4 MR. BECK: I don't recall the testimony  
5 being quite as definite as you stated.

6 Q. When people were going in there during  
7 that period between opening and closing, you said  
8 you went into a road, did you go as far back as  
9 where Lombard Street was put in, as far north, do  
10 you recall?

11 A. Who knows?

12 Q. Want to try a map?

13 MR. GRUMMER: Maybe before we get to  
14 that, I have a couple of things.

15 Q. Before we were talking about the  
16 subcontracting And the fact that Sauer's drivers  
17 picked up for some of your customers, and you said  
18 that two of his three trucks were doing that kind  
19 of work?

20 A. I said two out of three. There wasn't  
21 a whole lot. Maybe it was five. I just don't

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**GM** 000304

1 know.

2 Q. Do you have any idea what portion of  
3 the volume going into his dump would have been  
4 your customers?

5 A. None whatsoever.

6 Q. On the subcontracting, when Sauer would  
7 be called, would that be handled because Rob Tyler  
8 had a customer that didn't have the manpower to  
9 pick up?

10 A. Yes, and I think they would get to the  
11 point where they would get some fairly regular  
12 ones on call.

13 Q. But they did their own work as well?

14 A. Yes.

15 Q. Did they maintain and operate and pay  
16 for their own trucks during that period of time?

17 A. Yes.

18 Q. Rob Tyler was just a source of business  
19 for those people?

20 A. Exactly.

21 Q. Before we get off customers, earlier

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**GM**

000305

When Super  
Picked up RT  
of the work  
to Super

1 you were asked if you would be able to remember  
2 any customers and you said you would have a hard  
3 time remembering them unless we asked about  
4 somebody specifically. We have here a customer  
5 list from 1970 and it's 100 pages long. In one  
6 way, we hate to go down it name by name, but on  
7 the other hand, we're anxious to find out what  
8 companies might have taken their waste to that  
9 Sauer Dump, and based on what we have discussed so  
10 far, it sounds like any company that was a  
11 customer -- any company whose -- any entity or  
12 business at all whose waste ordinarily went to the  
13 Pulaski Highway landfill probably had their waste  
14 go to Sauer's during that period of several  
15 months. Does that all sound correct?

16 A. I would assume so.

17 Q. It seems to me if we went down this  
18 1970 customer list and would be able to identify  
19 which companies on there had waste that ordinarily  
20 went to the Pulaski Highway dump, there would be a  
21 high likelihood that their waste also went to the

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Small text below Salomon Reporting Service logo

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Small logo and text at the bottom center

GM

000306

1 Sauer Dump during a period of several months, does  
2 that seem correct?

3 A. I don't know when in 1970 that customer  
4 list is from. So they could have been some new  
5 customers or whatever. And I would not be able to  
6 recall who was there in '68 that was there in '70.

7 Q. I expect that came out of the  
8 acquisition agreement?

9 A. Probably.

10 Q. Yes, that's my understanding. If you  
11 were to look at a customer list, would you be able  
12 to remember which customer's waste went either to  
13 Norris Farms or Pulaski Highway on one hand and  
14 some other dump on the other hand?

15 A. Probably not with a great degree of  
16 accuracy. It would be, for me, it would be a bit  
17 of a guess, too, to say that's closer there,  
18 therefore it probably went there.

19 Q. Would geography be a good guide?

20 A. Geography is always a good guide when  
21 you are trucking stuff around. The shortest

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SINCE 1948  
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Member of the Salomon Group

**GM** 000307



1 distance.

2 Q. In other words, if we had a map of the  
3 Baltimore area, would you be able to draw a line  
4 more or less indicating the territories for the  
5 dumps?

6 A. Probably not.

7 Q. Let's go at it a different way. If you  
8 locate the address on a map of one of the  
9 customers and then locate both of the two  
10 landfills, it would be more likely that that  
11 customer's waste would be taken to the closest  
12 landfill?

13 A. It would be more likely.

14 Q. Were there any particular customers or  
15 any particular type of waste that for any reason  
16 other than geography that you would have or the  
17 drivers would have taken it to the further-away  
18 landfill?

19 A. Not that I recall, no.

20 Q. Do you remember if there was a major  
21 change or any significant change or any unusual

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AN IRVING-CLOUD COMPANY

**GM** 000308

1 change, let's stick with that, any unusual degree  
2 of change in your customer list between 1969 and  
3 1970?

4 A. No.

5 Q. Let me --

6 A. Then again, we could have lost a major  
7 customer like General Motors. And I just don't  
8 recall the date.

9 Q. Do you recall any significant change or  
10 unusual change in your customer base in the time  
11 shortly preceding the sale to BFI?

12 A. Competition was always stiff.

13 Q. You mentioned earlier that there was  
14 this competition and whoever bid could get the  
15 contract between the Bohager, Modern and Herbert  
16 Robertson; were there any other haulers involved  
17 in this type of competition at this time that you  
18 recall?

19 A. I think Johnson & Speak was starting to  
20 be a competitive factor in the late '60s.

21 Q. Any others that you recall?

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*Salomon Reporting Service*

**GM** 000309

1           A.     Oh, my God. The Baltimore County had a  
2 policy of allowing free dumping for a lot of their  
3 county residential haulers. And probably at that  
4 time there was some that were starting up into the  
5 commercial, industrial, because it had been an  
6 ongoing argument that they could get then free  
7 dumping for their commercial customers and  
8 undercut all the other haulers. And that was  
9 always a problem.

10          Q.     But if there were any customers that  
11 you were to lose from bidding, it would have been  
12 most likely that those customers would have gone  
13 to one of these other haulers?

14          A.     More than likely.

15          Q.     If you had new customers come to you  
16 between the time of this period when your drivers  
17 were using the Sauer Dump and the time when you  
18 sold the company, they would likely have come from  
19 one of these other companies?

20          A.     More than likely.

21          Q.     Given that there were just a handful of

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SINCE 1964

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AN IRVING-CLOUD COMPANY

**GM** 000310

1 companies to dispose of the waste and a handful of  
2 landfills and apparently a strong geographical  
3 factor in where the waste went, would it be fair  
4 to say that any company located closer to a  
5 particular landfill, it would be more than likely  
6 that their waste went there?

7 A. It would be fair.

8 Q. That would be irrespective of who was  
9 hauling it?

10 A. Only, the only exception to that, and I  
11 don't really remember when rates started to  
12 change.

13 Q. What rates are you referring to?

14 A. The dumping charge, the tipping fee.  
15 And that would then legislate a further drive.

16 Q. When did that happen?

17 A. I just don't recall. But it was around  
18 that same time.

19 Q. Which same time?

20 A. As landfills became harder to acquire  
21 or use, the only other regulation you had, of

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AN EQUAL OPPORTUNITY FIRM

GM 000311

1 course, was to raise the rate.

2 Q. That would be around 1969, '70?

3 A. Yes, '71, but I just don't remember.

4 Q. Do you have any recollection of how the  
5 rates affected business, that is, was there one  
6 landfill that was particularly cheap and another  
7 one that was particularly expensive? Did they  
8 have reputations along that line?

9 A. Not really, but they would tend to  
10 leapfrog over a period of time and this would  
11 include both city-run and county-run disposal  
12 areas.

13 Q. During the '60s, during the '60s, that  
14 had not yet begun to happen, the differentiation  
15 of landfill fees?

16 A. I think it had just started, because  
17 you are talking about what we considered low rates  
18 right now of like in 1970 of \$3 a ton, you know,  
19 it could have been \$1.50 a ton a year or two  
20 later.

21 Q. Do you remember any generators that

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**GM** 000312

1 specialized in getting rid of drums in their  
2 entirety, off-loading drums in Sauer's landfill?

3 A. The only one that I would possibly  
4 think of would have been General Motors.

5 Q. Do you remember those drums at both the  
6 Rosedale and the Sauer landfill?

7 A. Yes.

8 Q. What is the basis of your familiarity  
9 with respect to General Motors' drums at this  
10 Sauer landfill?

11 A. They hauled their own. There was --  
12 they had one truck, and a guy known as Ray, and he  
13 was known as Chevrolet Ray. So it sticks in one's  
14 mind. That's basically why I remember it.

15 Q. Do you remember Chevrolet Ray taking  
16 loads to Sauer's Dump as opposed to Rosedale?

17 A. I would assume that's where he went.  
18 I'm not going to say I remember seeing him there.  
19 And since he wasn't under my control in any way, I  
20 couldn't really tell you yes or no. I would  
21 assume that's where he went, unless he went across

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*NOT A TYPEWRITER*

**GM** 000313

GM  
during @  
Saverio  
Huddled  
over

1 town to the Patapsco Avenue or Reedbird fill, and  
2 I just don't remember that. I'm not sure.

3 Q. Do you know if he hauled drums to  
4 Pulaski Highway landfill as well?

5 A. Yes.

6 Q. Did you ever see him doing that?

7 A. Once again, I'm assuming I did, but I  
8 could never give you a time, date or anything  
9 else. I just --

10 Q. Did you ever see --

11 A. I remember him from -- I might be  
12 getting that confused with Norris Farms. Dumps  
13 have a way of looking alike after a while.

14 Q. Do you have any specific recollection  
15 of seeing him dump drums at Sauer's?

16 A. That's what I just said. No, I  
17 can't -- I would assume it, but --

18 Q. We spoke to some drivers, and I have  
19 the transcript if we want to look it up, but they  
20 said they saw him dumping those drums at Sauer's  
21 only during the period of two or three months

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NOT A SALOMON REPORT

**GM** 000314



1 between the one landfill closing and the other one  
2 opening.

3 A. Well, then, they would know.

4 Q. Do you have any reason to disagree with  
5 that?

6 A. No.

7 Q. Do you remember what kind of stuff was  
8 in those GM drums?

9 A. I really don't. We had two  
10 determinations of waste, solid and liquid. Liquid  
11 usually came in a drum.

12 Q. Did any of -- those same drivers told  
13 us that they saw Chevrolet Ray dumping drums at  
14 the Pulaski Highway dump for several years and  
15 sometimes more than once a day. Do you have any  
16 reason to disagree with that?

17 A. None whatsoever.

18 Q. Do you remember anything else about  
19 Chevrolet Ray? Is it Ray Shelenski, does that  
20 ring any bells?

21 A. Chevrolet Ray.

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SINCE 1948

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NOT A TELETYPE

**GM** 000315

1 MR. BECK: Can you tell us who that  
2 is?

3 MR. GRUMMER: I'll be happy to do  
4 that. We're in the process of responding to your  
5 question.

6 Q. Do you remember his truck or trucks?

7 A. I think it was a Chevrolet or GMC. I'm  
8 sure it wasn't a Ford.

9 Q. Do you remember any of the customers  
10 for whom your companies hauled that had mostly  
11 drummed weight or any kind of drums?

12 A. You'd probably have to refresh me.

13 Q. How about paint companies, do you  
14 recall any paint companies that may have used  
15 drums?

16 A. Yes.

17 Q. Do you recall anyone specifically that  
18 were in East Baltimore there?

19 A. Give me some names because --

20 Q. How about Bruning Paint?

21 A. I think they were a customer, yes.

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NOT FOR PUBLICATION

**GM** 000316

1 Q. Do you recall where they were located  
2 in East Baltimore?

3 A. No, I don't.

4 Q. O'Brien?

5 A. I remember O'Brien was located and I  
6 think they were a customer.

7 Q. Do you remember anything about their  
8 waste?

9 A. Not particularly, no.

10 Q. Hubeck?

11 A. If they are on the list, you know --

12 Q. Anchor Post, do you remember anything  
13 about that company?

14 A. They were a customer.

15 Q. Can you tell me anything about their  
16 waste?

17 A. A lot of fence wire that used to cause  
18 problems with the undercarriages on the dozers.

19 Q. How about paint?

20 A. I don't recall, but I do remember the  
21 fence.

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THE SALOMON REPORTING SERVICE

**GM000317**

1 Q. Do you remember any companies that had  
2 waste, chemical waste or waste that your drivers  
3 had to treat carefully that they complained about  
4 burning, smelling, any bad jobs?

5 A. There are a lot of bad jobs. So, once  
6 again, maybe you can refresh my memory for that.

7 Q. I don't have a particular one in mind.  
8 I'm wondering if there are any that stand out in  
9 your recollection as having been chemical wastes  
10 or types of waste.

11 A. I mean, there are obviously a lot of  
12 chemical waste. You know, we hauled what was in  
13 the containers.

14 Q. There was one occurrence in '75 where  
15 six people were felled by chemical fumes at the  
16 Tyler landfill, do you remember that?

17 A. Sure do.

18 Q. It was liquid sodium sulfite, do you  
19 remember where that came from and --

20 A. I don't remember, but I do remember the  
21 incident.

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SINCE 1968

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OFFICIAL REPORTER

**M**

000318

1 Q. Did you have those problems, those  
2 similar problems like that one in the '60s,  
3 similar occurrences?

4 A. I think we just had fires in the '60s.  
5 I don't remember --

6 Q. What was burning?

7 A. Whatever was combustible in the dump.

8 Q. These weren't fires that you would set  
9 to burn the trash?

10 A. No, no.

11 Q. Thinking about the '60s and about the  
12 nature, the general nature of the trash that came  
13 into the Pulaski Highway landfill, were there any  
14 waste extremes that industries who were your  
15 customers did not send to Pulaski Highway? Were  
16 there particular things that they would separate  
17 out from their waste and send someplace else or  
18 did everything they disposed of go to your  
19 landfill?

20 A. Everything that they contracted with us  
21 to haul would probably have gone to that

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SINCE 1960  
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NOT A SALOMON REPORTING SERVICE

**GM**

000319

1 landfill. Now, whether or not they had other  
2 materials that they sent somewhere else under  
3 contract with somebody else, I don't know.

4 Q. Do you happen to know, if, for example,  
5 there were solvent haulers?

6 A. There might have been. You know, I'm  
7 not sure there was a lot of that in the '60s.

8 Q. You think there was not?

9 A. I would just, from my general knowledge  
10 of the business back then and later, I don't  
11 recall a whole lot of that, but, then, maybe I  
12 just wasn't aware of it.

13 Q. As a general matter, and I'm not  
14 thinking of any particular customer, but in  
15 industry in general in the area of Pulaski Highway  
16 landfill, you don't recall any kind of specialized  
17 haulers or any special waste disposal practices?

18 A. I don't. But that doesn't mean they  
19 weren't there.

20 Q. You said you hauled anything they put  
21 in their dumpster?

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SINCE 1968

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THE SALOMON REPORTING SERVICE

**GM** 000320

1 A. (Nodding head indicating yes.)

2 Q. Do you recall any examples of finding  
3 anything surprising in there, any chemicals or  
4 things that might today be considered hazardous?

5 A. I'm sure there are things in there that  
6 today would be considered hazardous.

7 Q. Have you ever heard of FMC Corporation?

8 A. Yes.

9 Q. What did that stand for?

10 A. I don't know.

11 Q. What did you haul for them in the  
12 '60s? Did anybody haul their waste?

13 A. I'm sure somebody called them and we  
14 probably did or one of the other haulers did.

15 Q. Does it seem to ring true that -- well,  
16 this occurrence in 1975 was FMC Corporation, their  
17 liquid sodium sulfite, would that seem --

18 A. In 1975, I was not --

19 Q. I understand that. Would it be  
20 consistent then that that would be the same  
21 substance that FMC would have as a substance as a

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**Salomon**

**GM 000321**

1 waste?

2 A. I don't know. You would have to ask  
3 FMC. They make jet fuel or something.

4 Q. Do you recall FMC waste ever going to  
5 Sauer's Dump?

6 A. No.

7 Q. You had mentioned earlier that there  
8 was at least one, maybe more, strike that caused  
9 you to do real work at these companies?

10 A. Real work?

11 Q. I mean driving-type work. Any idea  
12 about the dates?

13 A. I could probably dredge it up  
14 somewhere. I don't remember. We had a couple of  
15 contract disputes. We had a few wildcat strikes.  
16 The dates, I just --

17 Q. Do you remember if there were any  
18 strikes during the time that Rosedale was  
19 operating prior to the opening of Norris Farms?

20 A. Probably was.

21 Q. That would have closed down the

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SINCE 1964  
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STANDARD REPORTING SERVICE

**GM** 000322



1 Rosedale dump during those periods, were they not  
2 total work stoppages?

3 A. We had supervisors. I also did some  
4 real work on a bulldozer, too.

5 Q. How many people, if you are down to  
6 bare bones, how many people do you have to have at  
7 the landfill to keep the thing open?

8 A. One. I would say one. If you are not  
9 getting a lot of waste, you don't need a lot of  
10 people.

11 Q. What I'm trying to get at, during these  
12 periods of strike or other kind of work slowdowns,  
13 would there be any reason during those times for  
14 waste to be diverted from the Rosedale or would it  
15 always be accepted there?

16 A. I don't remember. If I recall, none of  
17 the strikes were that lengthy. Maybe a week or so  
18 at the most. And then the wildcat strikes were  
19 usually over in a day or two.

20 Q. Just to get you off that bulldozer. We  
21 have talked about one big company here, GM. Was

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SINCE 1926  
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**AF**

**M** 000323

1 Western Electric a customer of yours?

2 A. Yes, they were.

3 Q. Can you recall when they were a  
4 customer or can you recall any changes?

5 A. I don't remember any dates. I remember  
6 we took it over and changed the collection system  
7 because we dedicated one truck to Western  
8 Electric.

9 Q. Can you recall anything about when that  
10 change took place?

11 A. I don't remember the dates, no.

12 Q. Do you know if it was before or after  
13 Pulaski Highway landfill closed?

14 A. I think it was before, but, you know.

15 Q. Who did you take that business over  
16 from?

17 A. From Sauer's, I think, had most of it  
18 or had an open truck that ran in there.

19 Q. And before you took it over, was  
20 Western Electric a direct customer of Sauer's?

21 A. Yes, they were.

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*NOT A SALOMON REPORT*

**GM** 000324

WE was  
RTI  
Customer

1 Q. In the sense that he understood Sauer's  
2 to be his waste hauling contractor?

3 A. I would guess. I never asked him.

4 Q. What you are describing is some change  
5 you did when you took that over, you mentioned a  
6 dedicated container, can you explain that to me?

7 A. A dedicated truck and a dedicated  
8 employee.

9 Q. Meaning that they hauled exclusively  
10 from Western Electric?

11 A. Exactly. You had certain stops within  
12 the plant every day. It was, you know, a regular  
13 route and they had enough waste, you know, to  
14 utilize one truck.

15 Q. Do you remember who that employee was?

16 A. Yes.

17 Q. Who was that?

18 A. Shipley.

19 Q. Shipley.

20 Q. Is he still alive?

21 A. I have absolutely no idea. But I don't

RT /  
dedicated /  
truck employee  
Shipley took  
WVE WE.

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SINCE 1969

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NOT A SALOMON REPORT

**GM**

000325



UNCLASSIFIED  
DATE 01-11-01 BY 60326

1 think he is. I think in part of this ongoing,  
2 Lombard saga, I think somebody told me he died.

3 Q. During the period between the two  
4 landfills being -- during the period after Pulaski  
5 Highway closed and before Norris Farm opened, do  
6 you know where Western Electric waste would have  
7 gone during that period?

8 A. I would assume it would have gone to  
9 the Sauer's Dump.

10 Q. Do you know whether Rob Tyler or  
11 Sauer's had the Western Electric account at that  
12 time, which one?

13 A. I think Rob Tyler did. I think it was  
14 probably a year or two -- I think that truck was a  
15 '68. So I think, yes, it would have been before.

16 Q. What would have been before?

17 A. Rob Tyler, Inc., would have taken over  
18 the Western Electric contract.

19 Q. That would have happened before the  
20 period of the landfill opening and closing?

21 A. Yes.

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SINCE 1964

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W. H. S. & S. REPORTING SERVICE

**GM** 000326

RTI  
had WE dining  
the 3 mo... waste  
prob. went to  
Savers

1 Q. What kind of truck was that?

2 A. International 2-R Leech.

3 Q. Do you remember anything about the  
4 Western Electric waste?

5 A. A lot of wire.

6 Q. Do you remember anything else? Copper  
7 wire?

8 A. Waste wire.

9 Q. Do you recall any liquids?

10 A. They did have liquids, too.

11 Q. Do you remember drums from Western  
12 Electric?

13 A. It would have been in drums.

14 Q. Do you specifically recall drums?

15 A. I think we had a container that hauled  
16 drums.

17 Q. From Western Electric, you mean?

18 A. Yes. We had a lot of containers and  
19 there wasn't a whole lot of differentiation as far  
20 as, you know, solid or liquid.

21 Q. You said that you assumed that Western

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 **Salomon**

**GM** 000327



WFE waste  
= large  
liquids in drums

1 Electric waste went to Sauer during the period  
2 when one dump closed before the other opened. Did  
3 you ever see that yourself?

4 A. I don't remember.

5 Q. A moment ago you were talking about  
6 drums. Do you recall drums from Western Electric  
7 being in a container from Western Electric?

8 A. I think I do, yes. Once again, we're  
9 talking a long time ago and, you know, quite a bit  
10 of time in the waste business. Trying to pinpoint  
11 dates is a little hard for me.

12 Q. Was it typical for companies to put  
13 drums in larger disposal containers?

14 A. That was one method of handling them,  
15 yes.

16 Q. Would companies put drums of liquid in  
17 larger disposal containers?

18 A. Yes.

19 Q. If they did that, I take it, they would  
20 be disposed of along with any other trash?

21 A. That's correct. And sometimes a drum

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Since 1966

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AN IRVING-CLOUD COMPANY

**GM000328**

~~1~~ Generators  
would put drums  
in containers.

7A

1 would be in a load of trash or two drums of trash  
2 over top of them that you wouldn't know until it  
3 was on the landfill.

4 Q. In the late '60s, after open burning  
5 was prohibited, is it fair to say that company  
6 disposal of liquids in trash was pretty much the  
7 preferred method of disposal as far as the  
8 regulators were concerned?

9 A. Yes.

10 Q. Is that so they could be sopped up or  
11 soaked up into the trash rather than going  
12 anywhere?

13 A. Exactly.

14 Q. They still do that with special waste,  
15 don't they, or today, or do you know?

16 A. Sure. The only difference is that  
17 today the landfill would probably be lined.

18 Q. Were there any liquids that were so  
19 combustible that you couldn't integrate them into  
20 the trash and had to be handled separately?

21 A. Later, after this period, yes, but I

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SINCE 1966  
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STANDARD REPORTING SERVICE

**GM** 000329

1 think back then, there wasn't a whole lot of  
2 segregation.

3 Q. You mentioned during this period that  
4 Rosedale was closed and before Norris Farms  
5 opened, that Rob Tyler might have or did lend a  
6 bulldozer to Sauer to help control the site. Do  
7 you recall any employees being loaned to Sauer to  
8 help drive that bulldozer or to handle that?

9 A. Yes.

10 Q. Do you recall who they might have been?

11 A. Smitty.

12 Q. Smitty. Is Smitty still with us, do  
13 you know?

14 A. I think he is.

15 Q. Do you remember his full name?

16 A. Edgar Smith.

17 Q. He was a Rob Tyler employee?

18 A. He was actually probably a Refuse  
19 Disposal employee.

20 Q. And during this period, was he full  
21 time working at the Sauer site?

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 **Salomon Reporting Service**

**GM** 000330

RTI for  
employee's  
employment (Smith)  
during 3 mos.

1 A. If the dozer went, he would have gone  
2 with it.

3 Q. It was his dozer?

4 A. It was the one he operated, yes.

5 Q. Were there any other employees or any  
6 other pieces of equipment that Rob Tyler loaned to  
7 Sauer during that period?

8 A. I don't recall. There could have  
9 been. Maybe another dozer from time to time. I  
10 don't know if there was any pans. I just don't  
11 remember.

12 Q. Do you recall any other employees of  
13 Rob Tyler or the related entities that would have  
14 worked at the Sauer Dump during that period?

15 A. Maybe George Gephardt would have gone  
16 over there. He was a supervisor.

17 Q. What would have been his role there?

18 A. He might have gone over to operate it  
19 if Smitty was not there. I don't know.

20 Q. Operate the dozer?

21 A. Yes.

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EST. 1978

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AN IRVING-CLOUD COMPANY

**GM** 000331

1 Q. To do real work.

2 A. He was a working supervisor.

3 Q. Is George Gephardt still living?

4 A. Yes, he is.

5 Q. Whereabouts, in Baltimore?

6 A. Yes.

7 Q. How about Edgar Smith, is he still in  
8 Baltimore?

9 A. As far as I know.

10 Q. Other than during this period of time  
11 between Rosedale's closing and Norris Farms'  
12 opening, do you recall any other occasions when  
13 Rob Tyler or the other company employees or  
14 equipment would have been loaned to Sauer?

15 A. No. I don't recall.

16 Q. I'm trying to get a feel of whether  
17 this is a regular thing that went on between the  
18 two companies or it was just during this period of  
19 high input that it happened.

20 A. I think it was more during this time.  
21 Although, if he had a problem and asked for one,

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**GM** 000332



1 I'm sure we would have loaned him one, and that  
2 well could have happened and I wouldn't have even  
3 known it.

4 Q. Do you know if there were any  
5 discussions between your father and Fred Sauer or  
6 Fred Sauer's father in the early '60s about  
7 setting up the Sauer Dump?

8 A. I know nothing about it.

9 Q. Can you tell me what year you were  
10 born?

11 A. 1942.

12 MR. BECK: I think you will find, Mark,  
13 that the Sauer Dump was not set up by Fred Sauer,  
14 but by his father back in the '40s.

15 (Break taken.)

16 Q. You say the corporations were sold and  
17 all the records went with the corporations?

18 A. Yes.

19 Q. Were they all sold to BFI?

20 A. Yes.

21 Q. All three, Rob Tyler, Inc., Refuse

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OFFICIAL REPORTS SERVICE

**GM**

000333

1 Disposal and --

2 A. Waste Disposal.

3 Q. -- were all sold to BFI?

4 A. Yes. I think there was another one  
5 called Repair Company.

6 Q. Were they all sold at the same time?

7 A. Yes.

8 Q. Was there a full stock transfer as  
9 opposed to a sale of assets?

10 A. It was a pooling of interest sale, I  
11 think.

12 MR. RICH: It could be classified as  
13 stock and merger.

14 Q. If your counsel doesn't mind, you had  
15 mentioned before that you had a relationship with  
16 BFI. Was your relationship with BFI separate from  
17 this stock and merger deal? Had you dealt with  
18 them prior to that?

19 A. No.

20 Q. So it was as a result of this stock and  
21 merger that you created your relationship with

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**GM000334**

RTI,  
Refuse Duped  
Nest Duped  
all sold to BFI.

37  
1/10/70

1 BFI?

2 A. (Nodding head indicating yes.)

3 Q. That was, approximately, when?

4 A. June, 1970.

5 Q. While we're on the record, because your  
6 father is such a key person or would be if he were  
7 able to help us, could you describe his current  
8 ability to give us factual information?

9 A. I probably shouldn't do that, no.

10 Q. I mean, it's logical for us to try to  
11 find out if you can help us and you can tell us --

12 A. I don't think he can, but, you know --  
13 MR. RICH: He cannot help you.

14 MR. GRUMMER: Why is that?

15 MR. RICH: Because of his inability to  
16 do so.

17 MR. GRUMMER: Physical inability or  
18 legal inability?

19 MR. RICH: Both.

20 MR. GRUMMER: What would be the nature  
21 of the legal inability?

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GM 000335

7-8  
10/10/79

1 MR. RICH: I'm not going to answer that  
2 at this point in time, but I'm going to oppose it  
3 strenuously.

4 MR. BECK: You represent Rob Tyler,  
5 individually?

6 MR. RICH: In this matter.

7 Q. What was the nature of your  
8 relationship with BFI after the transfer? Were  
9 you an employee or some other --

10 A. I was an employee.

11 Q. An employee of BFI or employee of one  
12 of the entities that it had acquired?

13 A. I was an employee of Rob Tyler, Inc.

14 Q. Which was then owned by BFI?

15 A. Which was then owned by BFI.

16 Q. Did you have any ownership interest in  
17 BFI?

18 A. No.

19 Q. How long did you remain an employee of  
20 BFI?

21 A. Until 1979.

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**GM000336**

1 Q. Was Baltimore Gas & Electric one of Rob  
2 Tyler's customers?

3 A. Yes.

4 Q. Can you tell me for what period?

5 A. No.

6 Q. Were they, when you started working  
7 there?

8 A. I guess, you know, they had a lot of  
9 different accounts with Baltimore Gas & Electric  
10 and it was bid on a fairly regular basis. And I  
11 know that Rob Tyler, Inc., had the bid and on  
12 several occasions and lost it on some occasions  
13 and maybe lost some of it but not all of it. You  
14 could probably find that through BG&E's records.

15 Q. On this customer list in June of 1970,  
16 I see 10 entries for Baltimore Gas & Electric.  
17 I'd be happy to show this to you if it would  
18 help. Can you tell me what the 10 different  
19 entries means?

20 A. 10 different stops.

21 Q. Can you remember anything about the

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**GM** 000337

1 waste that came from Baltimore Gas & Electric to  
2 the Pulaski Highway landfill?

3 A. It would have been general trash, is  
4 usually what they had.

5 Q. Can you recall anything else  
6 specifically?

7 A. I assume you are talking about fly ash,  
8 but we did not have that contract, we did accept  
9 it and use it for cover.

10 Q. Who had that contract?

11 A. At that time, I think it was Parker.

12 Q. At that time, are you thinking of the  
13 '60s?

14 A. In the '60s, it was either Martin White  
15 or Parker, and I can't recall. I think it was  
16 probably both.

17 Q. When you said you would accept it, the  
18 fly ash, even though you didn't have the contract,  
19 you mean accept it at the Pulaski landfill?

20 A. I'm not sure that much of it went to  
21 Pulaski. Most of it went to the other side of

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**GM** 000338

1 town to Patapsco.

2 Q. Was fly ash something you wanted to  
3 accept as opposed to regular trash?

4 A. We used it as cover material.

5 Q. It was something good as opposed to  
6 nothing?

7 A. We would accept dirt for nothing.

8 Q. And would accept fly ash?

9 A. Yes.

10 Q. Do you recall requesting fly ash and  
11 requesting that some of it be brought to some of  
12 the dumps?

13 A. Could have. I know we wouldn't have  
14 paid for it, but we maybe would have redirected  
15 it.

16 Q. You didn't pay for it?

17 A. (Shaking head indicating no.)

18 Q. No, I need to make a record.

19 A. Never.

20 Q. Did they seem to be pretty happy to get  
21 rid of it?

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SINCE 1952

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NOT A SALOMON REPORT

**GM** 000339



1 MS. MORRIS: Objection.

2 Q. They, referring to BG&E, was it  
3 something they were trying to dispose of in some  
4 way?

5 A. Yes.

6 Q. Did it ever come to the Pulaski Highway  
7 landfill, fly ash?

8 A. I would assume maybe some did, although  
9 I just don't remember. I don't think we -- the  
10 cover material at Pulaski was a lot of the  
11 Baltimore City incinerator ash. Now, whether or  
12 not we had fly ash there or not, I just don't  
13 remember, but I think we may well have.

14 Q. Did you charge for the incinerator ash?

15 A. No.

16 Q. So it was also something that you  
17 wanted to use for a cover?

18 A. (Nodding head indicating yes.)

19 Q. Even though you didn't pay for the  
20 ashes, fly ash or incinerator ash, if it wasn't  
21 ash, but was rather a load of regular trash, would

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**GM 000340**

1 there have been a charge for using the dump?

2 A. Yes.

3 Q. Where was the Baltimore City  
4 incinerator located?

5 A. Right on Pulaski Highway.

6 Q. Very close to Rosedale?

7 A. Very close.

8 Q. Do you know if fly ash from BG&E ever  
9 went to Sauer's?

10 A. I just don't remember. It well could  
11 have.

12 Q. Now, the city incinerator ash that had  
13 been going to Pulaski would have most likely gone  
14 to Sauer after that period that it closed?

15 A. No.

16 Q. It would not?

17 A. No.

18 Q. Pulaski is separate from Rosedale?

19 A. They are sort of the same areas,  
20 different parts of the same area.

21 Q. Did this incinerator ash go to Norris

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FEDERAL BUREAU OF INVESTIGATION

**GM 000341**

1 Farms when that opened?

2 A. No, we had plenty of cover material at  
3 Norris Farms.

4 Q. What kind of cover material?

5 A. Dirt.

6 Q. Was that the cover material of choice?

7 A. Yes.

8 Q. What percentage of dirt was used as  
9 cover material in the grand scheme of things as  
10 opposed to fly ash?

11 A. Where?

12 Q. Just generally.

13 A. If you had dirt, you didn't use fly  
14 ash.

15 Q. Do most people have dirt?

16 A. Well --

17 Q. Let's do dump by dump. How about  
18 Rosedale, was there dirt there or did you need to  
19 use fly ash?

20 A. We used the city incinerator ash there,  
21 plus some that maybe was dredged up, but there was

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AN IRVING-CLOUD COMPANY

**GM**

000342

1 not a lot of on-site cover. And people could  
2 bring dirt in for free.

3 Q. Why would you prefer dirt to fly ash?

4 A. It's a better cover material and a lot  
5 easier to work with.

6 Q. Do you recall --

7 A. The fly ash ended up in the air filters  
8 and in the pans and everywhere else and it wasn't  
9 a particularly easy material to work with.

10 Q. Do you recall that the Sauer Dump, from  
11 your visits, whether it used dirt or fly ash for  
12 cover?

13 A. Mostly dirt. He had dirt there and he  
14 brought in a lot of dirt. There was a lot of  
15 construction stuff that would come in there, too.

16 Q. Do you recall any occasion when Fritz  
17 Sauer or somebody on his behalf from that dump  
18 would have requested that ash, either city  
19 incinerator ash or fly ash, that ordinarily went  
20 to the Rob Tyler landfills be diverted or brought  
21 to the Sauer Dump to fulfill a particular need?

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**N** THE SALOMON REPORTING SERVICE

**GM** 000343

1           A.       He could have if he had a fire. Fly  
2 ash was good for fighting fires.

3           Q.       Was the city incinerator ash good for  
4 that also?

5           A.       No, it caused fires.

6           Q.       Back in the late '60s did Baltimore  
7 just have the one electric utility, BG&E?

8           A.       (Nodding head indicating yes.)

9           Q.       As opposed to a municipal utility or  
10 any other private utility?

11          A.       It's the only one I ever dealt with was  
12 Baltimore Gas & Electric.

13          Q.       Do you know if there were any other  
14 companies in Baltimore whose operations produced  
15 this fly ash by-product?

16          A.       Probably were, but I don't know -- some  
17 smaller power plants.

18          Q.       How about Bethlehem Steel?

19          A.       Bethlehem Steel really handled all  
20 their own waste in those days.

21          Q.       You mean in terms of transport?

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STATION REPORTS SERVICE

**GM** 000344

1 A. In terms of disposal and transport.

2 Q. Do you recall BG&E disposing of  
3 transformers?

4 A. Not offhand, no. It would not have  
5 been a momentous event in my life if I had seen  
6 them.

7 Q. So you don't recall one way or the  
8 other?

9 A. No.

10 Q. Do you recall anything about disposal,  
11 of BG&E disposing transformers at Sauer's?

12 A. Like I said, it would not have been a  
13 big issue one way or the other.

14 Q. Sauer's operation, some people we have  
15 talked to has described it as largely a salvage  
16 operation. Do you have any views on that?

17 A. I think he did a lot of salvaging, yes.

18 Q. During that period of several months  
19 between the dumps opening and closing, did it -- I  
20 take it that must have increased the volume of  
21 waste coming into the Sauer Dump. Do you have any

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NOT A PUBLICATION

**GM** 000345

1 sense of whether it doubled it or made it 10 times  
2 as big, any sense at all?

3 A. No.

4 Q. Do you think it doubled it?

5 A. Like I said, I don't know. It  
6 increased it.

7 Q. Did you know Michael Cefaloni?

8 A. Yes.

9 Q. Can you tell us what you knew about  
10 him?

11 A. He was a truck driver.

12 Q. Was he one of the Sauer drivers who did  
13 subcontracting for your companies?

14 A. Yes.

15 Q. Did he do that a lot?

16 A. I guess. He drove a dumpster truck  
17 that picked up a lot of our containers. I think  
18 he also picked up some of North Point Trash's  
19 stops also.

20 Q. Did you have any personal dealings with  
21 him? Did you ever speak with him?

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**GM000346**

1 A. Yes.

2 Q. In what sort of situations?

3 A. Just be around the shop or whatever.  
4 He was an interesting character.

5 Q. Why do you say that?

6 A. Have you met him?

7 Q. Yes.

8 A. Why do you ask then?

9 Q. Well, I'll tell you why. I understand  
10 he has a pet monkey, is that true?

11 A. I have no idea. He had a lot of  
12 things.

13 Q. Did he dispose of waste at Pulaski  
14 Highway landfill, did you ever see him --

15 A. I'm sure he did, yes, especially if he  
16 was on a load of beer.

17 Q. When I've been using the term Pulaski  
18 Highway dump I've been intending to refer to your  
19 operation, Rob Tyler's operation at 68th and  
20 Pulaski Highway; do you understand the term that  
21 way or do you subdivide it into different areas?

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**GM** 000347



1 A. That's good enough.

2 Q. When I've used that phrase, you have  
3 understood me as meaning --

4 A. Yes, there were several areas, one we  
5 referred to as the emergency dump, but that was  
6 essentially the same area.

7 Q. Does Cefaloni have a reputation for  
8 being a truthful person?

9 A. I'm not sure that ever came up, but it  
10 probably wouldn't have been the first thing that  
11 comes to my mind, no.

12 Q. Does he have a tendency to exaggerate?

13 A. He was known as the guinea and he took  
14 a lot of abuse from other drivers and other  
15 people. So, you know, he was the butt of a lot of  
16 practical jokes from other people.

17 Q. Did he resent that or what was his  
18 reaction to that?

19 A. Is this before or after he got shot?

20 Q. When did that occur?

21 A. It was sometime in that period, I

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SMALL 356

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NOT A REPORTING SERVICE

**GM** 000348

1 remember.

2 Q. Shot by another driver?

3 A. No, his wife shot him, I think.

4 Q. Do you think that treatment he received  
5 from anybody would cause him to have any  
6 particular bias or point of view on any of these  
7 things that we're discussing?

8 A. I didn't really get into the  
9 psychological aspects of Mike, but --

10 Q. Does he have a grudge against anybody?

11 A. Would you?

12 Q. I don't know.

13 A. I mean --

14 Q. The reason we ask is simply because  
15 he's a very important witness in this case. And  
16 we want to understand how he might view things.

17 MR. BYRD: He's an important witness  
18 for the government.

19 Q. Does he seem to be a man who enjoys  
20 center stage?

21 A. God knows. I would say Mike was viewed

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Salomon Reporting Service

**GM** 000349

1 as not overly endowed with, you know, with a high  
2 IQ. He was -- he lived a pretty wretched life,  
3 really. Have you interviewed his ex-wife?

4 Q. It's still his wife. Would you happen  
5 to know if he had a grudge against Fred Sauer or a  
6 grudge against Rob Tyler or anything of that  
7 nature?

8 A. He had a grudge against life. It seems  
9 to me he was with Sauer's for a long time and  
10 probably stayed with him after the dump closed.

11 Q. Do you remember what dumps Cefaloni  
12 used other than Sauer's, which of the Rob Tyler  
13 dumps did he ever take stuff to?

14 A. I guess he might have brought stuff  
15 into Pulaski Highway. I know he used Norris Farm.

16 Q. Do you recall him using Reedbird?

17 A. I don't recall, but he -- those kinds  
18 of trucks were on an on-call basis, so they  
19 weren't really established routes.

20 Q. What I'm wondering about, he has given  
21 a lot of testimony about waste he's hauled,

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*Salomon Reporting Service*

**GM 000350**

1 certain kind of waste for certain type of people,  
2 and his testimony isn't always clear about where  
3 he took it, to which landfill, and it's  
4 conceivable that he used several different  
5 landfills at different times.

6 A. It's conceivable.

7 Q. We have talked about different hauling  
8 services. We talked about Modern, Bohager. I'm  
9 looking at the June '70 customer list here. Under  
10 Modern, it appears to have 20 or so, maybe 30  
11 entries. Can you explain why that would be?

12 MR. BECK: I recall giving that  
13 customer list. I suspect it's an accounting list  
14 referring to accounts payable or receivable.

15 A. They would probably pick up some stops  
16 for us, we would pick up stops for them.

17 Q. Let me walk over and show you this  
18 entry. I'm showing you an account list, it's a  
19 computer printout and it's been Bates stamped  
20 beginning with 0300493 and I'm opening it up to  
21 0300524, and this appears to be an alphabetical

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**GM<sup>00</sup>0351**

1 series of accounts. At the bottom of this page  
2 and carrying over to the next page are a number of  
3 entries for Modern. Can you tell me why there are  
4 different entries?

5 A. I would assume they were picking up  
6 stops for us or we were picking up stops for them.

7 Q. Could it have included some disposal  
8 fees there if these were the accounts receivable  
9 of the company at the time of the merger?

10 A. It well could have.

11 Q. I see a \$5,000 entry. That would have  
12 been fees that they paid for actually paying the  
13 landfills, one of the Rob Tyler landfills?

14 A. Yes.

15 Q. Could it represent specific customers  
16 of theirs?

17 A. It could represent specific customers.  
18 It could represent specific dumping transactions.  
19 It could represent anything. I'm not sure.

20 Q. Do you recall how you would keep record  
21 of these -- I'm not sure what to call it, the

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AN IRVING-CLOUD COMPANY

**GM**

000352

1 hauling fees when someone else would haul for one  
2 of your customers, how was the record kept? You  
3 indicated that you would invoice the customer?

4 A. There are some kinds of tickets or some  
5 sort of mechanism. I don't remember.

6 Q. Would the Rob Tyler Company receive a  
7 bill or some kind of request from the company that  
8 did the hauling?

9 A. That could be. It was probably a  
10 ticket. For each individual there was what was  
11 known as a rolloff or a dumpster account, there  
12 would be a ticket generated for each load.

13 Q. Ticket generated by the customer?

14 A. By the company and the customer and  
15 signed for by the company with a piece of it  
16 left. So there would be --

17 Q. That's basically the receipt then for  
18 the driver to have picked up the load?

19 A. Right, and it would also be used for  
20 the billing.

21 Q. So, in other words, if a subcontractor

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**GM000353**

1 were to pick up a load for Rob Tyler's customer,  
2 he would --

3 A. We have one of those tickets.

4 Q. And the ticket would be submitted back  
5 to Rob Tyler?

6 A. And he would turn it in and that would  
7 generate the billing and he would have a copy to  
8 generate his bill. It seems reasonable.

9 Q. Do you know what the practice at the  
10 Rob Tyler Company was with respect to  
11 recordkeeping? I understand that they all would  
12 have been turned over at the acquisition, but how  
13 long would you keep records?

14 A. It seemed like a long time to me.  
15 There was one room full of records.

16 Q. All that was turned over to BFI?

17 A. (Nodding head indicating yes.) All of  
18 it.

19 Q. That's a yes. Did you keep all the  
20 little tickets?

21 A. I assume they were there. We had to

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AN IRVING-CLOUD COMPANY

**GM** 000354

1 keep them for a while to justify any billing.

2 Q. Would the tickets usually indicate on  
3 them or was there anyplace to make a note of the  
4 landfill where the load was taken?

5 A. Probably. I don't recall, but probably  
6 was.

7 Q. Did you make it a practice to attach  
8 tickets to the customer bills or would you just  
9 send a summary bill?

10 A. I don't remember.

11 Q. I know some trash companies actually  
12 attach specific trip tickets.

13 A. I don't really remember. I think it  
14 would probably vary with different customer's  
15 requests. Some companies would like the tickets  
16 and get them back and some didn't care.

17 Q. Let me show you one more page on this  
18 customer list. It's page 0300499. It is at the  
19 point in the alphabetical series in the B's. And  
20 I looked for Bohager and couldn't find it. If  
21 they used your dump, can you tell me why that

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**GM000355**



1 would be?

2 MS. MORRIS: Maybe their accounts were  
3 current.

4 A. I'm not sure what this listing is.

5 Q. Did they go by some other name?

6 A. FPR or Bohager.

7 Q. I think the true corporate name is  
8 Francis P. R. Bohager something, Inc. or Frank  
9 P. R. Bohager, Inc. I don't see it in the F's  
10 either.

11 MR. BECK: I don't see it in the F's  
12 either.

13 Q. I'd like to run down this list of key  
14 people quickly. While you are looking at that  
15 list, let me go back to, just on the record,  
16 something we talked about earlier, would you be  
17 willing, Mr. Tyler, to take that list and in your  
18 leisure time run through it to see if any of those  
19 names from the accounting list refresh your  
20 recollection of having been customers that would  
21 have used the Rosedale or Pulaski dump?

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**GM** 000356

1 A. I don't have a whole lot of free time  
2 right now.

3 Q. I think it would be a whole lot quicker  
4 for all of us and certainly for you if you would  
5 be willing to do that on your own time rather than  
6 going through it here. I'm trying to figure out  
7 the quickest way, because it probably has to be  
8 done and I want to make it as painless as  
9 possible.

10 A. We'll give it a try.

11 Q. I'm showing you something that has been  
12 described as schedule I. It's got a Bates Stamp  
13 number 0300597 and it is one of the documents that  
14 was attached to the June, 1970 plan of  
15 reorganization agreement between the Rob Tyler  
16 Companies and BFI. And schedule I appears to be a  
17 list of key people in the company. Could you look  
18 down this list and for anybody that we haven't  
19 discussed already, first, tell me if they are  
20 alive or not, and, second, tell me what if  
21 anything they might know that you think would help

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SINCE 1946  
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*W. F. SALOMON*

**GM** 000357

1 us identify customers of your companies or the  
2 Sauer Dump. We have already discussed Rob Tyler,  
3 Senior, the president?

4 A. My mother is passed away. I'm alive.

5 Q. Francis C. Harbury?

6 A. No, Marbury.

7 Q. Marbury?

8 A. Yes, Bill's brother. He's my uncle,  
9 he's also dead.

10 Q. Ira W. Keen?

11 A. He's long since retired somewhere, I  
12 think, to Florida.

13 Q. Do you think he would know anything  
14 about customers or waste disposal?

15 A. He was the accountant.

16 Q. Do you know during what period?

17 A. Well, during this period.

18 Q. This is part of the 1970 document that  
19 you are looking at?

20 MS. MORRIS: Yes.

21 A. I don't know where Bennett is. I have

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OFFICIAL REPORTS SERVICE

**GM** 000358

1 no idea where Brooks is.

2 Q. Bennett, could you describe his  
3 responsibilities as routing trucks and dispatching,  
4 would he know anything about where wastes went?

5 A. He probably would have some  
6 recollection because he did do a lot of routing  
7 work.

8 Q. Do you think he would know anything  
9 about particular customers?

10 A. I don't know. I mean, he would be  
11 familiar with them.

12 Q. Don Brooks?

13 A. He wouldn't. Gary Grace wouldn't.

14 Q. Charles McFaden we're looking at now.

15 A. He wouldn't. He was shop foreman.

16 Q. Louis Schryer?

17 A. He was a tire guy.

18 Q. John Slebodnik?

19 A. He was in the shop.

20 Q. Charles Smith?

21 A. I'm not sure he's still alive.

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AN IRVING-CLOUD COMPANY

**GM** 000359

1 Q. You mentioned the people in the shop,  
2 you are --

3 A. The mechanics.

4 Q. So they probably would not know  
5 anything about particular customers?

6 A. I wouldn't think so. I mean, they  
7 wouldn't, you know, have any direct contact with a  
8 lot of them.

9 Q. Charles L. Warrns?

10 A. He would have some familiarity with the  
11 stops.

12 Q. Do you know where he is now?

13 A. No.

14 Q. Frank Miles, listed as an accountant?

15 A. No, he wouldn't have.

16 Q. Can you think of anybody else, anybody  
17 at all who might be able to tell us anything about  
18 waste going to the Sauer Dump?

19 A. Not offhand.

20 Q. Would Luke Sauer know much about --  
21 would he be able to tell us much?

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NOT A REPORTING SERVICE

**GM** 000360

1           A.     Luke ought to be able to shed  
2 something, probably some light on it. At that  
3 time, at one point, he became an employee of Rob  
4 Tyler. I can't remember when that was. That  
5 might have been after this period.

6           Q.     One thing that we have never been able  
7 to get any information on is what happened at the  
8 Sauer property, the Sauer Dump after he stopped  
9 operating there. In other words, during the 1970s  
10 or even early '80s, do you know anything about  
11 what went on there?

12          A.     Absolutely nothing.

13          Q.     He didn't go out of the trash business  
14 the minute he walked away from that land, did he?

15          A.     I don't think so. I think he is still  
16 subcontracting. I guess he kept an office there.  
17 I don't know. I just don't really -- sort of  
18 right after that, my duties started to change a  
19 lot. And I wasn't as involved on a day-to-day  
20 basis.

21          Q.     Do you know if any of Fritz's drivers

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 **Salomon**

**GM 000361**

1 ever substituted for Rob Tyler's driver?

2 A. Could have.

3 Q. If that happened, and it was a  
4 company's waste that was normally going to, say,  
5 Pulaski Highway, would the waste still go to  
6 Pulaski Highway or would Sauer's employees have  
7 taken it to Sauer's Dump?

8 A. As a rule it probably would have went  
9 where it ordinarily went. It wasn't that tight of  
10 an operation that if the guy called on a radio and  
11 said I'm in a hurry I think I can make better time  
12 if I dump it the dispatcher would probably say,  
13 all right.

14 Q. Do you know Earl Boswell?

15 A. Yes.

16 Q. How did you know him?

17 A. He was a driver.

18 Q. Do you know what companies he hauled  
19 for?

20 A. Rob Tyler.

21 Q. What companies he picked up from?

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SINCE 1940  
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~~NOT RECORDED~~

**GM** 000362

1 A. I know he had some of the quarries. I  
2 don't remember.

3 Q. Did he have General Motors?

4 A. He probably did, go in the dumpster  
5 account.

6 Q. Do you know where he would have taken  
7 that?

8 A. I would assume Pulaski Highway, Sauer's  
9 and Norris Farm.

10 Q. Did you ever -- do you personally know  
11 of any situation where he took it to Sauer's?

12 A. I just can't really answer that. I  
13 would assume he did, but, you know, I was not  
14 dispatching trucks. So I just didn't have a  
15 day-to-day --

16 Q. He testified, I believe, at a  
17 deposition that he did not take any GM waste or GM  
18 paints sludge to Sauer's.

19 A. Then I guess he didn't.

20 Q. Do you have any reason to disagree with  
21 that?

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NOT A SALOMON REPORT

**GM** 000363



1 A. No. It really wasn't important at that  
2 time.

3 Q. Thinking still about the 1970s or the  
4 1980s, did you ever hear rumors about people  
5 dumping waste there? We're looking for any  
6 information we can find.

7 A. No.

8 MR. BECK: You are referring to the  
9 Kane and Lombard site?

10 MR. GRUMMER: Yes.

11 Q. When EPA started studying that site,  
12 they found drums there, did you ever hear of  
13 anybody during the 1970s or 1980s, disposing of  
14 drums there?

15 A. No.

16 Q. Let's go back to your visits to the  
17 Sauer Dump back in the late '60s, early '70s. You  
18 would go in a road off of Kane Street?

19 A. Yes.

20 Q. And you would be heading parallel to  
21 North Point at that time?

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**GM**

000364

1 A. Approximately, yes.

2 Q. When you would drive down that road,  
3 where would you actually dump? Would your people  
4 go right, left or straight ahead?

5 A. I don't remember.

6 Q. Can you remember what the area looked  
7 like, that is, do you remember if there was --

8 A. Bottles of crap everywhere.

9 Q. Were you driving right into the middle  
10 of the dump, as far as you understand?

11 A. I just -- it's very, very hazy. I  
12 remember going back there and there was a junkyard  
13 and a little office right, I guess, passed the  
14 junkyard.

15 Q. You drove, actually, passed --

16 A. You could come in off of North Point at  
17 one point, but I remember leaving that way  
18 sometimes, but, other than that --

19 Q. So you would typically go towards the  
20 office after you came off of Kane as opposed to  
21 off of it?

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Since 1966

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NOT A SALOMON REPORT

**GM** 000365

1 A. Yes.

2 Q. We have aerial photos, maybe it might  
3 make more sense to look at those than recreate  
4 those orally. This is September of '70, March of  
5 '69, there's not a lot of difference between  
6 them. North Point, Kane, this is what EPA is  
7 unhappy about.

8 MR. GRUMMER: I don't know what we're  
9 getting on the record here.

10 MR. BECK: I'm trying to get the  
11 witness oriented a little bit.

12 A. This is where I was talking about,  
13 coming in here.

14 Q. This picture is March of '70?

15 MR. BECK: September of 1970. It's  
16 colorized.

17 Q. What I'm trying to find out, when you  
18 came in here, whether the activity was pretty much  
19 up to the right?

20 A. That's what I remember, being over  
21 here.

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The American Reporting Service

**GM** 000366

1 Q. Do you remember doing anything this far  
2 back?

3 A. I remember something back in here, but  
4 this --

5 Q. Back in here indicating near those  
6 railroad tracks?

7 A. Right, back in the back, I don't  
8 remember specifically where.

9 Q. Was it something that you considered  
10 part of the Sauer Dump?

11 A. Yes.

12 Q. Can you give us any explanation what  
13 this overall light colored area might be?

14 A. It looks like something going on right  
15 there.

16 Q. Again, indicating up by the railroad  
17 tracks?

18 A. Well, I would assume that was the  
19 dumping area.

20 Q. Can you tell, while you have that in  
21 front of you going back to your comments about the

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Since 1964

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AN IRVING-CLOUD COMPANY

**GM** 000367

1 construction of 95, can you see on this map the  
2 area that you were talking about where the waste  
3 was moved to?

4 A. Here's Moore's Run.

5 Q. Your understanding is that they  
6 actually excavated from the Sauer Dump and moved  
7 it up there?

8 A. I think so. It was somewhere over  
9 here -- didn't 95 come like this, over in this?  
10 They had to cross Moore's Run. Probably piled it  
11 up over here. Does it show 95?

12 Q. No. Do you remember ever dumping or  
13 seeing anything dumped over near the high school  
14 in that area?

15 A. No, I don't.

16 Q. Do you even recall the high school?  
17 Ever been there?

18 A. Not really, no.

19 Q. Do you know where the high school is on  
20 this picture?

21 A. Right there.

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W. P. SALOMON REPORTING SERVICE

**GM000368**

1 Q. What about over here in the area of  
2 these trees, anything you remember over there?

3 A. No.

4 Q. Was that open space opened?

5 A. I just don't recall. I mean, believe  
6 me, you are going back 20 years, 25 years, maybe.  
7 And I remember the junkyard right there.

8 Q. The junkyard you are referring up to,  
9 near North Point?

10 A. Yes.

11 Q. You are saying that's where the -- in  
12 that area, you did most of the dumping?

13 A. To my recollection, when I went in, I  
14 never dumped anything there myself that I know of,  
15 but in driving over there in a car or something, I  
16 would go in there.

17 Q. Do you recall noticing burning  
18 happening ever at the Sauer's Dump?

19 A. I can't remember -- I'm sure it was on  
20 fire from time to time.

21 Q. He didn't have an open pit burning

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NOT A SALOMON REPORT

**GM**

000369

001010  
112

1 area?

2 A. Yes, it might have been a burning area,  
3 too. It would not have been unusual.

4 Q. I was wondering if you have any  
5 recollection of where the burning happened, if  
6 that was up near North Point?

7 A. No.

8 Q. When you were there, do you ever recall  
9 seeing fly ash at the dump, at Sauer's Dump?

10 A. You know, it well could have been and  
11 may well could not have been, you know.

12 Q. Did you ever speak to EPA?

13 A. Yes.

14 Q. When did they talk to you?

15 A. Over the last couple of years.

16 Q. How long ago?

17 A. When was it?

18 MR. RICH: It was about a year -- it  
19 was in June, a year and two months ago.

20 Q. Just one occasion?

21 MR. RICH: You spoke to them on the

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Salomon Reporting Service

**M** 000370

1 phone?

2 A. I spoke to one of those girls that came  
3 in.

4 Q. Do you recall the person's name?

5 A. No.

6 Q. It was a woman?

7 A. There were several women.

8 Q. Different people?

9 A. Yes.

10 Q. All at one time, though?

11 A. No.

12 Q. Different conversations?

13 A. (Nodding head indicating yes.)

14 Q. Do you remember how many different  
15 conversations?

16 A. Couple on the phone, maybe one  
17 interview or two interviews.

18 Q. Were they all EPA persons that you  
19 recall as opposed to Department of Justice or  
20 lawyer-type persons? Does the name Joan Martin  
21 Banks ring a bell?

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 SALOMON REPORTING SERVICE

**GM** 000371



ORIGINAL  
11/1/70

1 A. No.

2 Q. Did you give them any documents?

3 A. I don't think so. I don't think I had  
4 any.

5 Q. Did they cover about the same subjects  
6 we have covered?

7 A. Basically.

8 Q. As thoroughly?

9 A. They were pretty thorough. They had a  
10 lot more photos than you did.

11 Q. You went over photos with them?

12 A. A few of them, yes.

13 Q. Aerial photos?

14 A. (Nodding head indicating yes.)

15 Q. Did you sign a statement or was it  
16 under oath?

17 A. Was it a -- no.

18 Q. Have you talked to any of the other  
19 lawyers in this firm other than, of course, your  
20 own before today?

21 A. Other lawyers where?

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S.R.S. INC.

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THE SALOMON REPORTING SERVICE

**GM000372**

1 Q. In this room, have you talked to --

2 A. I've talked to BFI, but not him.

3 Q. But you have talked to BFI counsel?

4 A. Yes.

5 Q. Would it have been Robert Gulley,  
6 maybe?

7 A. Yes.

8 Q. Is there anybody else that are here  
9 that you have had a chance to talk to?

10 A. No.

11 Q. Do you have any current relationship  
12 with BFI?

13 A. Current relationship --

14 Q. Do you receive any payments from them?

15 A. No, other than some stock dividends.

16 Q. Does Enviro-Gro have any business  
17 relationship with BFI?

18 A. At this point Enviro-Gro is putting a  
19 final cover on the Norris Farm landfill and  
20 negotiating with BFI for the methane rights.

21 Q. There are no further payments or any

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NOT A SALOMON REPORT

**GM**

000373

ORIGINAL  
10/10/70

1 consideration flowing to you from BFI arising out  
2 of the 1970 transaction?

3 A. No.

4 Q. Do you owe them anything or is anything  
5 flowing from you to BFI?

6 A. A lot of dirt and sludge.

7 Q. You mean that they are actually hauling  
8 for your companies?

9 A. No, we're covering their landfill. I'm  
10 wrong. Actually, we're paying them a little bit  
11 to do that. You are making some money out of us.

12 Q. Your company is paying BFI?

13 A. We're using sewage sludge to do it.

14 Q. Did you have a title or position in the  
15 late '60s?

16 A. I might have been a vice-president. I  
17 don't remember.

18 Q. Do you recall the construction of  
19 Lombard Street in the '70s?

20 A. I really don't. I didn't spend a whole  
21 lot of time over there.

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SINCE 1966  
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NOT A SALOMON COMPANY

**GM 000374**

1 Q. Did you have written contracts with  
2 your customers? This is referring to Rob Tyler in  
3 the '60s.

4 A. Not a whole lot, no.

5 Q. Would you have had a written contract  
6 with --

7 A. We would have a service agreement.

8 Q. A service agreement?

9 A. Yes, of some sort, but not a binding,  
10 or a purchase order, maybe, like from General  
11 Motors that would require a purchase order.

12 Q. But there wasn't a contract that would  
13 be signed that would govern a calendar year?

14 A. Very few. There would have been some.

15 Q. Can you recall if there was with GM?

16 A. I think it was a purchase order, but it  
17 might have been a contract.

18 Q. How would a purchase order work?

19 A. They would give us a purchase order and  
20 then that number would have to appear on the  
21 billing.

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Since 1954

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AN IRVING-CLOUD COMPANY

**GM** 000375

1 Q. They would issue a purchase order, do  
2 you know if it was monthly or yearly?

3 A. No, they would issue purchase orders  
4 for a certain period of time.

5 Q. Would it be for a month?

6 A. It would be for like a year or two  
7 years.

8 Q. Do you remember that with GM  
9 specifically?

10 A. I think so, but, you know --

11 Q. Would that commit either side to  
12 anything? Would that commit GM to disposing all  
13 their trash through you or what exactly did it  
14 indicate?

15 A. I think it would -- if it committed us  
16 to put a container in, then whatever went into  
17 that container, would necessarily go to us.

18 Q. Would that be any different for Western  
19 Electric?

20 A. I think that was either a contract or  
21 purchase order also. I just don't recall.

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Salomon Reporting Service

**GM** 000376

1 Q. How long a document would such a  
2 purchase order be?

3 A. I probably never even saw it.

4 Q. How would payment be made?

5 A. By check, monthly.

6 Q. On what basis, on basic load or by the  
7 weight or --

8 A. Depends on the load. It could be  
9 load. It could be waste.

10 Q. Was there a flat rate?

11 A. It could be flat rate.

12 Q. Do you recall for either Western  
13 Electric or GM?

14 A. I really don't. I'm sure a lot of it  
15 was by the load and then possibly, although not in  
16 this period, maybe, there was a separate disposal  
17 ticket generated and they would pay by weight.

18 Q. Would that have occurred later?

19 A. I think later, but I'm not sure. I  
20 don't recall.

21 Q. Can you recall anything about

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THE SALOMON REPORTING SERVICE

**GM** 000377

120

1 arrangements with Baltimore Gas & Electric?

2 A. No.

3 Q. What's a packer?

4 A. It's a truck that packs the waste, in  
5 this case, if you are talking about Western  
6 Electric, it was a rear-end loader compacting  
7 truck, a 2-R leach.

8 Q. After Norris Farms opened, did you --  
9 where were you located when you were at work?  
10 Were you at Norris Farms or did you --

11 A. No, Pulaski Highway.

12 Q. So although Norris Farms was opened,  
13 you stayed in the same place?

14 A. That's where our offices were.

15 Q. You worked in the offices?

16 A. (Nodding head indicating yes.) I mean,  
17 I would be at Norris Farms, maybe, during the day  
18 or whenever.

19 Q. But your primary work location was in  
20 the offices of Rob Tyler?

21 A. Yes.

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Since 1960

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AN IRVING-CLOUD COMPANY

**GM**

**000378**

1 Q. That was true both before and after  
2 Norris Farms opened?

3 A. Yes. Unless I was doing real work.

4 Q. Do you know of any other Sauer's  
5 employees that are still alive who could give us  
6 information?

7 A. I really don't.

8 Q. Do you know any Rob Tyler employees  
9 from that period who are still alive who could  
10 give us information?

11 A. No, not offhand.

12 Q. Do you remember the truck drivers very  
13 well?

14 A. Yes. And some not so well.

15 Q. I have some lists of truck drivers and  
16 employees here. Showing you one that has been  
17 Bates stamped 0034249, it's entitled Seniority  
18 List, does this appear to be a list of drivers?

19 A. Drivers and helpers.

20 Q. So it's not just drivers?

21 A. No.

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 SALOMON

**GM** 000379



1 Q. Would it help --

2 A. Bulldozer operators, tire men,  
3 mechanics, this is all union employees.

4 Q. This seniority list is simply a list of  
5 union employees?

6 A. Yes.

7 Q. With respect to drivers generally, what  
8 I'm trying to find out is what ones might have  
9 knowledge about waste going to your particular --  
10 to the Pulaski Highway landfill. Did they, did  
11 drivers typically go to one landfill rather than  
12 the other?

13 A. As a rule, but not always. A lot of  
14 the trucks were radio dispatched and the stops  
15 were on a call-in basis and, you know --

16 Q. Would the dispatcher direct each load  
17 or would it -- how often would the dispatcher  
18 issue instructions about where to dump, on a load  
19 by load basis?

20 A. Sometimes and sometimes not. There  
21 would be certain regular stops that route trucks

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SINCE 1958

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AN IRVING-CLOUD COMPANY

**M 000380**

1 would have, you know, would be routed to go to a  
2 particular landfill. The ones who operated off of  
3 radio dispatch system would also have a certain  
4 number of regular stops that would go to a  
5 predestined landfill.

6 Q. They would not have to call?

7 A. They would call in and out but not  
8 really for directions just because it was a  
9 company requirement. So they figured they were  
10 driving and not sleeping.

11 Q. Would the dispatcher have known when a  
12 driver went to Sauer's landfill rather than to  
13 the --

14 A. Probably.

15 Q. Because the driver would have told him  
16 that?

17 A. Yes, he would have called in, into  
18 Sauer's Dump or --

19 Q. Would there be any record made of that  
20 for any reason?

21 A. Probably daily dispatch sheets.

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**GM000381**

1 Q. Would that be among the records that  
2 you would keep for some period of time?

3 A. Maybe for a month.

4 Q. They are gone?

5 A. I think a lot of them are probably  
6 gone.

7 (Break taken.)

8 Q. I did want to ask a question about  
9 insurance, do you remember if the Rob Tyler  
10 Companies had insurance?

11 A. I'm sure we did, yes.

12 MR. GRUMMER: Off the record.

13 (Discussion off the record.)

14 Q. Do you remember the companies that  
15 insured the Rob Tyler Companies?

16 A. Probably all of them at one point or  
17 another.

18 Q. Would records of that been turned over  
19 to BFI?

20 A. Yes.

21 MR. BECK: There is a schedule of

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**GM**

000382

1 insurance from the acquisition agreement.

2 MR. GRUMMER: That's right.

3 Q. I guess what we'd like to do is leave  
4 you with these lists. If you could just look down  
5 the driver's list and see if you could, based on a  
6 quick look, if you can remember which are east  
7 side and which drivers would have taken to Pulaski  
8 Highway landfill.

9 A. They would have been really  
10 interchangeable for the most part. The route  
11 drivers, I just don't remember which, you know,  
12 which was going where.

13 Q. Would the Dispatcher Warrns be likely  
14 to know that?

15 A. He might. I mean, it's been a long  
16 time.

17 MS. MORRIS: Off the record.

18 (Discussion off the record.)

19 MR. GRUMMER: We are giving you this  
20 customer list and we have asked you to take some  
21 time and look over it carefully and after doing

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AN IRVING-CLOUD COMPANY

**GM** 000383

1 that, to make some kind of a mark next to any  
2 entity listed on there where you think it was more  
3 likely than not that their waste went to Sauer's  
4 Dump during the interval period between Pulaski  
5 Highway closing and Norris Farms opening. Does  
6 that seem clear?

7 A. Seems clear.

8 Q. Thank you. Next question, can we ask  
9 you to do that within the next 10 days?

10 A. You can ask. I will try.

11 Q. Is it more likely than not that you  
12 will?

13 A. Maybe perhaps.

14 Q. Where was Allied Chemical located?

15 A. I assume that was Block and Wills.

16 Q. Block and Wills Street?

17 A. Yes.

18 Q. Is that East Baltimore?

19 A. Right here.

20 Q. It's right downtown?

21 A. But the chrome ore waste which is

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**GM** 000384

1 probably what you are more interested in of  
2 Allied, did not go to either one of those  
3 facilities.

4 Q. What kind of waste?

5 A. The chrome ore --

6 Q. Where did it go?

7 A. Part of it ended up down Solley Road  
8 later.

9 Q. What waste of theirs went --

10 A. It also went to Old Harbor Field and  
11 also a special dump for it down off of Hawkins  
12 Point Road.

13 Q. What waste of theirs went either to  
14 Kane and Lombard or Rosedale?

15 A. I would assume it's general trash out  
16 of the plant. It was no specific classifications.

17 Q. Any drums in those loads?

18 A. Maybe there were. Maybe there  
19 weren't. I think there was a compaction unit  
20 there I remember.

21 Q. Do you remember Black & Decker at all?

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**GM** 000385

1 A. Yes.

2 Q. Can you remember anything about their  
3 wastes?

4 A. No.

5 Q. Do you remember Haven Chemical?

6 A. Yes.

7 Q. Do you remember anything about their  
8 waste?

9 A. No.

10 Q. Do you remember Por1?

11 A. No.

12 Q. Palm Oil?

13 A. No.

14 Q. Do you remember anything about their  
15 waste?

16 A. No.

17 MS. MORRIS: I want to thank you very  
18 much, Mr. Tyler, for giving us your time, and Mr.  
19 Rich.

20 Do you want to see what you said in  
21 writing? You don't have an obligation. If you

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NOT A SALOMON REPORT

**GM** 000386

1 want to look at what has been written down, you  
2 certainly --

3 MR. RICH: Send us a copy.

4 THE WITNESS: I would like to see a  
5 copy.

6 (Examination concluded.)

7 -----

8

9

10

11

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Alfred Tyler, II

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AFS SYSTEMS REPORTING SERVICE

**GM** 000387